MTC–00024449

From: Keith B. Bassett
To: Microsoft ATR
Date: 1/25/02 12:11pm
Subject: Microsoft Antitrust Case

Hello,

I am writing to address the possible settlement of the US vs Microsoft case. Simply put, the current remedy worries me. If we subscribe to a strictly behavioral punishment for a company which has been proven a monopoly, then how can we design it so that the changing face of technology doesn't allow Microsoft to sidestep it? Because of the volatile nature of the field of technology, and because of Microsoft's proven habit of undermining or purchasing competitors, how can any behavioral punishment forsee the direction that the company will move? Microsoft has shown great ingenuity in getting around this sort of punishment in the past, and the current remedy doesn't appear to be properly drawn to prevent Microsoft from doing so again.

I still subscribe to the idea that a structural remedy would be the best course of action. A dissolution of the company into parts that could compete with each other would seem to produce the greatest economic good for the largest number of consumers and companies. Microsoft would produce better products without the stranglehold on the oem market that they currently hold. Oems would have the option of going with several varieties or flavors of the current Microsoft offerings, which would cause serious competition and improvement in the OS offerings. Bugs would be fixed quickly, and the basic solidity of the OS offerings would increase at a similar rate, as the companies struggled for position. File formats might still be a weapon against competitors, but without one clear leader, the level of interoperability would be a serious selling point. Currently the Office offerings import all documents perfectly, but cannot export to other formats without major problems, even ostensibly ''open'' formats. However, it appears that the structural remedies have been discarded in favor of action which will be perceived as less drastic. Perhaps some appropriate remedies include the dissolution of the current OEM preload aggrements, with a prohibition of future ones. The Microsoft office suite data file formats could be placed into the public domain, with future format changes coming under review from an independent open standards body. The .NET formats, interconnects and standards could be placed under the overview of an independent open standards body, as could the Microsoft networking protocols.

A drastic, but effective solution would be the seizure and relicensing of the core source code for the range of Microsoft's OSes. If they were relicensed under an open source license they would remain available regardless of the changes made to them. This, while extreme, would allow for the use of the code by the entire marketplace and increase competition in other areas, forcing Microsoft to compete elsewhere. These solutions may seem extreme, but they depend upon the fact that Microsoft has a proven monopoly which was obtained by illegal means. If they did not have a monopoly or if it was retained legally these rules would not apply.

If an effective long term remedy is not obtained, then Microsoft will have been given implicit permission to continue their current and former business practices. In fact it will be an endorsement of them and will endanger what little remaining commercial competition they have. I don't know what this will mean for other big companies in the information business, but it certainly gives them a frightening level of control of the American public's access to those companies and to information in general.

Thanks for your time, I know that this was a simple and general letter, but I wanted to let you know what the general public was feeling.

Keith B. Bassett

MTC–00024450

From: James M. Moe
To: Microsoft.atr(a)usdoj.gov
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I do not agree.

Microsoft is a monopoly as found in the original judgment. While not a bad thing in itself, Microsoft has persistently abused its position to the detriment of the computer and software industries. Further it is contemptuous of the prevailing laws and openly continues its abusive practices.

MTC–00024451

From: Dankovits, Kris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I disagree with the Microsoft settlement. It is a foolish move, designed to help only Microsoft.

Kris Dankovits

MTC–00024452

From: Ryan Lucier
To: Microsoft ATR
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I think Microsoft develops O.K products, but getting rid of competition is not a good practice.

MTC–00024453

From: Don Ramier
To: Microsoft ATR
Date: 1/25/02 12:16pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to have my comment entered into the **Federal Register** as required by the provisions of the Tunney Act (Antitrust Procedures and Penalties Act) with respect to the proposed ''settlement'' of the Microsoft Corporation anti-trust case.

Since Microsoft has shown absolutely no remorse or change in business attitudes following the 1995 anti-trust decision rendered against it, and has been found to be in contempt of court regarding subsequent violations, business activities, business strategies, and programs, I hope and pray that the Federal Government will deny the validity of this settlement on many grounds, including and not limited to the one mentioned above.

This provisions of this settlement are unenforceable. The penalties cannot be enforced, monitored, or even imposed upon the Microsoft Corporation.

I never wanted to have a browser supplied by Microsoft Corporation with their operating system forcibly imposed on my property, my Personal Computer, called Internet Explorer. I use Netscape, a competitor of Microsoft's. My computer fails to operate properly due to malicious engineering by the operating system (Windows) when I respond that I don't want to use Internet Explorer as my default browser. How can I be sure that the I.E. code is to blame? How can the provisions of this settlement be enforced? Computer programming can be ''transparent to the user'' and can cause lingering damage, and even crippling effects on the property of people like myself, if I don't answer the questions the way the code interprets I should. How can situations like this be monitored by the U.S. Government, or by anybody else, for that matter? This is just one of many examples I could use to describe the performance (or lack thereof) of my property, my Personal Computer, when maimed by any number of versions of the Windows operating system. I am a technical writer by trade, and it is my job to document highly technical programming code of sophisticated software applications. Over the last twenty years, I have been employed by the International Business Machines Corporation (IBM), the Federal Express Corporation (FedEx) and three smaller software development corporations. I have been very well trained to know what the code is supposed to do, and what the code is NOT supposed to do (the actions and mistaken actions of programming code).

In these twenty years of computer related technical writing experience, I have seen the emergence of the operating system named DOS (short for Disk Operating System) that Microsoft created for delivery on the IBM PC, the evolution of DOS to Windows, and, over time, the gradual, yet perceivable, encroachment of the Windows operating environment on my ability to perform my specified tasks within the framework needed. Jumps from versions of operating systems affected the performance of other applications that should not have been affected and this caused much delay in the delivering of my services to my employers in a timely manner.

How can the U.S. Government hope to understand, much less enforce, the terms of this proposed settlement on the intricacies of the Windows operating environment and the thousands upon thousands of lines of code? It is inconceivable to me that the U.S. Government, in all it's might and glory, cannot see that this settlement is just a cop out and is not justice, but an appeasement to the monolithic Microsoft Corporation.

For these and other reasons, I hereby voice my concern over the terms of the proposed settlement and ask that remedial steps be taken to truly and justly dismantle the monopolistic Microsoft Corporation by force of law.

Sincerely,
Don A. Ramier, III
Documentation Specialist
Geobot, Inc.
Memphis, Tennessee

MTC–00024454

From: Jonathan Kamens
To: Microsoft ATR
Date: 1/25/02 12:17pm
Subject: Microsoft Settlement

To whom it may concern:

I have been developing computer software for Windows, Linux and other operating systems for over fifteen years.

I have reviewed the Proposed Final Judgment (PFJ) in United States v. Microsoft. In my opinion, the remedies outlined in that judgment are inconsistent with the Finding of Facts in the case and will not achieve the required goals of eliminating Microsoft's anticompetitive conduct and making it possible for other software vendors to compete with Microsoft on an even playing field in the future.

To mention just one of the many problems with the PFJ, it stipulates that Microsoft must document Windows API's so that competitors can write software which uses those API's to interoperate with Windows, but (a) the definition of what constitutes ''API's'' and therefore must be documented is just plain wrong, (b) there are no requirements on when API's must be documented, and hence Microsoft may be so slow in documenting them as to make it impossible for other software vendors to take advantage of the documentation in time to compete effectively. Furthermore, the terms of the PFJ and of Microsoft's own end-user license agreements would seem to imply that Microsoft can continue to prohibit other software vendors from implementing and/or using emulations of Windows API's on non-Windows operating systems. For example, even under the PFJ the legality of the ''WINE'' Windows emulator for linux would still be questionable, despite the fact that ''WINE'' is clearly one of the largest and most effective tools for leveling the playing field between Windows and Linux.

I sincerely hope that the Court rejects the Proposed Final Judgment and instructs the Justice Department to come up with a new one which addresses the many problems which I'm sure have been brought to your attention.

Sincerely,
Jonathan Kamens
Curl Corporation

MTC–00024455

From: Ernie DeVries
To: Microsoft ATR
Date: 1/25/02 12:19pm
Subject: Microsoft Settlement

I am not a lawyer. I cannot speak to the legal points of the proposed settlement of DOJ's anti-trust action against Microsoft. Although I am a computer professional, in many ways I am just a consumer who is directly affected by the actions of Microsoft because I use personal computers. I can speak to the impact of a settlement on consumers.

The largest personal impact of Microsoft's conduct has been the lack of choice by consumers. Microsoft has a long history of actions such as pre-announcements, feature add-ons and exclusive agreements which have been done not to improve the use of MS products, but simply as preemptive strikes to keep competitors from continued development on products. For me, this kind of behavior is the core issue in MS using it's existing monopoly to enter new markets.

Although it was not specifically addressed in the trial, events at Gateway computer illustrate this problem. There was a time when Gateway included ''Office'' software with each new computer at no additional charge. Gateway customers were given the choice between Microsoft Office and WordPerfect Office, with no push or coercion toward either product. This practice did not last long, but was replaced by Gateway offering no choice—only MS Office. Anyone who believes that Gateway took this action on its own, without behind-the-scenes ''encouragement'' from MS, is a fool.

The connection to this case is that even if MS never actually leaned on Gateway to exclude competing products, MS was able to create an environment wherein vendors had to live with the constant threat that they would be cut off by MS or have prices increased by MS so that the manufacturer could not compete. This environment lead directly to reduced choice for consumers with resulting higher prices and lower productivity because the ''better mousetrap'' never had a chance in the marketplace.

Certainly there were errors in judgment by the original trial judge regarding the sharing of his thoughts about the trial, but as I watched the trial unfold I was repeatedly struck with the thought that Judge Jackson seemed to be the only one involved in the case who was making any sense at all. If the actual judgment of Judge Jackson cannot be implemented, then certainly his intent needs to be preserved.

To accomplish this, I see the following as being critical pieces of the conclusion of this case:

(1) Consumer choice will only be restored when MS is forced to open its files to share information on API calls and file formats so that all competitors have the same advantage as the internal developers at Microsoft. This is not sharing source code, but interfaces.

(2) Exclusive contracts must be prohibited between MS and its OEM customers as well as with VARs (Value Added Resellers).

(3) MS must be prohibited from giving away products. I know this is very difficult to define, but we must never again have a situation like Internet Explorer which was created and given away for the exclusive purpose of undercutting a competitor that did not have the same financial resources as MS. Consumers are not benefited by ''free'' products when the result is the lack of real alternatives in the marketplace.

(4) Financial penalties. The financial penalties from Microsoft's past behavior must be so severe that MS will never again consider repeating its behavior.

The bottom line is that we need a sentence that restores choice and innovation to the marketplace. MS must become one player among equals instead of being the only player that counts.

Thank you for your time.
Sincerely,
Ernie DeVries
Flagstaff, AZ

MTC–00024456

From: KMGREENHAW@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:20pm
Subject: Microsoft Settlement

Dear Department of Justice:

Please accept the settlement with Microsoft.

Bringing this matter to a conclusion will help the economy and boost confidence in the stock market.

Thank you,
Kevin Greenhaw

MTC–00024457

From: Tony H
To: Microsoft ATR
Date: 1/25/02 12:21pm
Subject: Microsoft Settlement

All I can say its a BIG JOKE.
Users Lose
Microsoft Wins
Thank You
Tony Hromadka

MTC–00024458

From: Paul Dupuy, Jr.
To: Microsoft ATR
Date: 1/25/02 12:21pm
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,
Paul Dupuy
Software Engineer
Vancouver, WA

MTC–00024459

From: Lori Dupuy
To: Microsoft ATR
Date: 1/25/02 12:22pm
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.

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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,
Lori Dupuy
Mother
Vancouver, WA

MTC–00024461

From: Scott Tietjen
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement

Commentary due to the Tunney Act requirements:

I am a Consultant Computer Programmer/Analyst and Data Security Analyst. I have reviewed the proposed settlement with Microsoft, and have read many commentaries on it, and I am shocked that our government and nine states have given in to Microsoft in such an outrageous way. There is no possible chance that Microsoft will change its behavior in any noticeable way with the application of this settlement—they will in fact be left alone to do what they want, to whomever they want, any time they want, with no controls whatsoever, despite this ''review committee'' will do or say. This settlement does nothing to stem Microsoft's anti-competitive behavior—in fact, it provides so many large loopholes that you can drive a truck through them (and, Microsoft will drive many trucks through those loopholes). I will not go into any significant detail—my other collegues that have provided commentary that more than do justice to the topic.

In closing, I support the other nine states and their attorneys-general who disagree with the proposed settlement. Their proposals come a lot closer to actually restoring almost reasonable competition to the marketplace, although they are not perfect requirements either. I am of the camp that believes that Microsoft properly needs to be broken up into several smaller companies, that the industry and economy will not be harmed by such a breakup (just like AT&T, the industry will thrive after such a breakup), and that anyone that claims that harm will result from such a breakup is merely parroting Microsoft spin doctors.

—Scott Tietjen, West Haven, Connecticut

MTC–00024462

From: Christopher Fitch
To: Microsoft ATR
Date: 1/25/02 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 would like to comment on the proposed Microsoft Settlement. In the Antitrust trial, a number of findings were made. Further, upon appeal a number of facts were affirmed including 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. ''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.'' (from Dan Kegel: http://www.kegel.com/remedy/remedy2.html)

Since Microsoft illegally maintained its monopoly, Microsoft enjoys a strengthened Barrier of Entry and little or no competition in the Intel-compatible operating system market. As such, the Final Judgement must remedy the situation by significantly reducing the Application Barrier of Entry and by greatly increasing competition in the market. The proposed settlement does not remedy either situation, and it actually strengthens their current monopoly and allows for new monopolies to be created. There are a number of areas that are flawed in the Proposed Settlement. A list of them is located here: http://www.kegel.com/remedy/remedy2.html

Some other problems:

* There is no provision for preventing an extension of Microsoft's monopoly into other areas. Any Microsoft products must be provided as additional-cost options with a new computer which allows for a user to not be forced into buying them if they do not wish to.

* There is no provision for opening Microsoft's current and future file formats so that any competitors'' applications can properly read/write/modify documents created using Microsoft applications.

* There is no provision for requiring Microsoft to publish, in entirety, the specifications for any networking protocols used in Microsoft's products.

One other critical flaw is the lack of any enforcement in the settlement and the lack of any serious punishment if Microsoft violates the terms of the settlement. In the Proposed Settlement, only investigative issues are covered. There are no mechanisms for punishing Microsoft if they violate any terms. This is akin to a convicted criminal (which Microsoft is) being told at a sentencing hearing that his only punishment is to agree to not commit the crime again, and if the criminal does commit the same crime, he will just be ''watched'' some more. Without any mechanism for punishment, Microsoft can easily violate the settlement terms with no fear of costs or consequences. The current Antitrust proceedings resulted from Microsoft's violation of a Consent Decree from 1995, and indicate a willingness by Microsoft to break the law to maintain their market share.

For years, it has been stated that computing is critical to the United States'' economic future, and as such, to the entire world. If we allow Microsoft to continue to impede competition and destroy innovation by accepting the Proposed Settlement, the country's future and perhaps the whole world's future are in danger of suffering significant damage from which it may take years to recover. Competition is vital to any important market and provides benefits to customers and to the economy. A great example of competition's benefits is in the area of Intel-compatible processors or CPUs. Intel and AMD are the two main competitors in this area, and their competition has had a large positive effect. Their products are better, cheaper, and easily available.

Finally, Microsoft has eliminated customers'' choices by restricting changes to applications bundled with their operating system and by forcing computer manufacturers to install their operating system through the use of restrictive contracts. One of the cornerstones of our country is freedom of choice. Microsoft has violated that right and must be prevented from violating freedom of choice any further.

In summary, Microsoft has been found guilty of violating the law. These violations and their damage to the market must be remedied, and future damage must be prevented. The Proposed Settlement does neither and MUST be rejected since it does not serve the public interest.

Thanks for your time,
Christopher Fitch
Senior Software Engineer
Memphis, TN

MTC–00024463

From: Marc Grubb
To: Microsoft ATR
Date: 1/25/02 12:24pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly:

I would like to call to your attention what I feel are glaring omissions in the PFJ, which allow Microsoft to continue to dominate and monopolize in almost every market, allow exclusionary practices to continue, and fail to adequately punish Microsoft for its anti-competitive behavior. As a Macintosh user, I feel the effects Microsoft's strangle hold on the consumer software market every day. By using the Macintosh Operating System, I can avoid using Windows, though it is a constant struggle to avoid having to use Microsoft's Explorer for Web Browsing or Word and

Excel for Word Processing and Spreadsheets, which are just a few examples. Through their domination, they have virtually eliminated competition for consumer and small business software applications even within the Mac OS.

The PFJ is so vague that it only STRENGTHENS Microsoft's barriers to entry and WEAKENS competition. This hurts consumers and limits innovation and is contrary to the free market principles of our nation's economy. Please strengthen the PFJ to satisfy the Court of Appeal's mandate 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 PFJ, in its current form, does none of these things, thereby violating the public trust.

Thank you for your consideration.

Marc Grubb

Roslindale, MA

MTC–00024464

From: Mark Stevenson
To: Microsoft ATR
Date: 1/25/02 12:25pm
Subject: Microsoft settlement

The proposed settlement is a poor one because the ''remedies'' imposed are so unrestrictive and narrowly-defined as to let Microsoft continue with anitcompetitive actions with almost no change in corporate behavior. There is no sting, and there is no remedy in the proposed settlement.

Mark Stevenson

Fishers, IN

Personal computer consumer/enthusiast

MTC–00024465

From: William Buchanan
To: Microsoft ATR
Date: 1/25/02 12:25pm
Subject: Comment on Microsoft-DOJ settlement

I am outraged at the proposed ''settlement'' of this conflict. It makes as much sense to me as the first court conclusion in the OJ Simpson case. Gates has simply conned his way out of being found clearly guilty by the very expensive but well executed investigation of Microsoft's actions by the Clinton DOJ. Gates'' entire career is based on lying, cheating, stealing and bullying his way around in the consumer community. He has no scruples, other than continually doing anything he can to get the public's money in exchange for their purchases of Microsoft's so-called ''innovative'' products. These sub par products only appear to be innovative because he has used his wealth and maligned cunning to squash any legitimate competitors. Jackson's characterization of him as a ''little Napoleon'' is right on. And now for the corrupt tie between G.W. Bush and W. Gates (following White House meetings between the two) to surface as a ''just settlement'' thrown quickly before a war-distracted US public and its Congress, is really rubbing salt into a big wound.

Hooray for the valor of the states who are holding out and continuing to gun for a real ''just settlement'', in this case. The only reason the other states that originally were involved had to drop out is that the Gates machine is so well endowed, financially and legally, it is able to intimidate even a relatively large collective of public/legal representatives in its obsessive path of destruction. I'm glad to be a citizen of California, and able to watch my attorney general, Bill Locklyer, lead the charge against prematurely settling with Microsoft.

I would hope that the Federal DOJ could follow the same path in this case, but think that the eagerness of the current administration to satisfy Gates'' dreams of walking away unscathed from this situation are so far handing him his wishes, just as though it was a ''pardon''. If there is still such a value as ''justice'' in our US, then let it reign supreme. Require Microsoft to be held accountable for what it has already been found guilty of, and make it pay the full and responsible cost of having deliberately committed its heinous actions. And see to it that the Bush administration be held just as responsible and accountable for exercising its Constitutional requirement to uphold justice in this case. Anything less only brings to light that the Bush administration and Microsoft are colluding to dupe the taxpayer into believing that both are worthy of honor, a conclusion that is just not acceptable and well should not be.

CC:abraham fred,Jacobsen Dianne,Lips Rolf,Marasco Joe

MTC–00024466

From: pickens—kim@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:22pm
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,

Kim Pickens

1901 W Imhoff Rd

Norman, OK 73072

MTC–00024467

From: Chris Mayhall
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement—AOL Private Suit

The last thing our country and economy needs right now is yet another frivolous lawsuit that will surely do further damage to nearly everyone's retirement portfolio (particularly in light of recent events with Enron Corporation). Please dismiss the recent lawsuit file by AOL Time Warner against Microsoft Corporation, and ask that AOL Time Warner compete with technology instead of litigation.

Three important points should be noted regarding AOL Time Warner:

1. AOL purchased Netscape for $10 billion dollars in the midst of the DoJ trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share.

2. Microsoft has tried to with AOL in a variety of areas, including improvement of instant messaging interoperability and getting fair and open access to AOL's dominant cable assets.

3. AOL has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers and the technology industry, and has turned to politics and litigation instead.

As a small-business entrepreneur, I view the relationship between Microsoft's Internet Browser (IE) and AOL's browser (Netscape Navigator) as a straight-forward, very tough, competition between two companies operating in a free-market arena. Nothing more.

AOL Time Warner needs to step up to the plate, quit whining (or rather, attempting to derail Microsoft and as a side-effect derail our economy via litigation), and come out with a superior browser and method for interacting with the internet. AOL Time Warner certainly has the financial assets to compete, and no doubt has technology and personnel to compete, AND has massive leverage in the form of its cable rights and media content (via Time Warner assets).

Do I file a lawsuit when my competition across town comes up with a better service? Hell no, I work longer hours, invest in newer technology, and get my &%$ in gear or else I'm out of a job and the vision that is my company goes down the tubes.

Sincerely,

Chris Mayhall

Applied Digital Photography, LLC

MTC–00024468

From: Michele Midofer
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The conclusions reached in the Revised Proposed Final Judgment is NOT in the public interest.

It encourages Microsoft's monopolitic ways to continue, and this is wrong.

Sincerely,

Michele Midofer

MTC–00024469

From: Ev Plant
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement
July 22, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

It is time to stop fiddling with the Microsoft antitrust lawsuit, while the American technology industry burns. I strongly support your leadership in directing your Department of Justice to settle this embarrassment. After three years of lawyering and three months of negotiations, I am glad that the parties, including my home state of Illinois, have agreed to what agreed to what may be the least flawed settlement possible.

Microsoft agreed to give up a great deal in the settlement. Were I in charge of Microsoft, I fantasize that I would have led out to maintain the principles of American free enterprise. However, I respect what Microsoft went through, and Microsoft's choice. Under the settlement, Microsoft sets a precedent as the first company to disclose to its competitors the code for its internal interfaces of an operating system, its popular Windows programs. Further, Microsoft will release its server interoperability protocols, and on a non-discriminatory basis license its copyrights and patents to other companies who might otherwise infringe. Microsoft will modify Windows XP and later to make it easy for others, including competitors, to add their own programs or remove Microsoft's programs integral to Windows. A three-person oversight committee will monitor compliance and field complaints from any party. I think at all of this is too much, but support Microsoft's decision to accept the settlement.

America has always been at the forefront of computer software development. Let's maintain America's leadership position. Your leadership was essential to reaching the settlement. Now your leadership can help convince the Federal Judge to accept the settlement. I appreciate your strong leadership.

Thank you.

Sincerely,

Everett Plant

20 Grand Circle

Danville, IL 61832

CC:fin@mobilizationoffice.com@inetgw

MTC–00024470

From: Al Yee
To: Microsoft ATR
Date: 1/25/02 12:27pm
Subject: Microsoft Settlement

Ever school child in America has been taught about fairness and justice and yet the American political system continues allow Microsoft to crush its rival. The legal system has proven Microsoft guilty so enforce the law and for once prove that the justice system is above politics.

MTC–00024471

From: Josh
To: Microsoft ATR
Date: 1/25/02 12:30pm
Subject: Microsoft Settlement

I just want to say that I disagree with the proposed settlement. I don't think I need to go into great detail as to why I disagree with it, I'm sure many others have already. My feeling is basically this: This settlement is equivalent to sentencing a serial killer to 100 hours of community service instead of the life sentence (or worse) that they deserve.

Joshua Fluty

Independent Programmer

Greenville, SC

MTC–00024472

From: gagetman33@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:26pm
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,

Donald Grempler

611 West drive

Glen Burnie, MD 21061–2034

MTC–00024473

From: Shilpa Tilwalli
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:33pm

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.

Thank you.

Shilpa Tilwalli

MTC–00024474

From: dave robinson
To: Microsoft ATR
Date: 1/25/02 12:31pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the proposed settlement is a bad idea. It will not prevent Microsoft from breaking antitrust laws in the future, or punish them for the illegal damage they have already done to companies in my area.

Thankyou very much for your consideration,

David Robinson

MTC–00024475

From: David Sullivan
To: Microsoft ATR
Date: 1/25/02 12:31pm
Subject: Microsoft Settlement

The proposed settlement is inadequate as it stands. There are a number of glaring flaws—for instance, the PFJ prohibits certain behaviors by Microsoft towards OEMs but allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. But this means that the proposed remedy is little remedy at all for it allows Microsoft to continue to dominate the Intel based OEM market with abandon.

Please reconsider the proposed settlement.

David Sullivan

Associate Professor, MSCD

MTC–00024476

From: Christal Phillips
To: Microsoft ATR
Date: 1/25/02 12:32pm
Subject: Microsoft Settlement

the proposed settlement is bad idea !!!!

MTC–00024477

From: Caroline Lambert
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

I am sending this email because I am concerned that the Proposed Final Judgement does not go anywhere near far enough to stop Microsoft's anti-competitive behavior. There are too many loopholes which others have

adequately described. Microsoft's only concern at the end of the day is how many dollars they can suck out of their customers. If the remedies are not made more severe, there will be no limit to the damage they will cause to consumers and the high tech industry in the future.

Caroline Lambert
IT Infrastructure Manager
Agilent Labs

MTC–00024478

From: Mike Zyphur
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

To whom it may concern,

My name is:
Mike Zyphur
New Orleans, LA 70118

I am a Ph.D. student in Industrial and Organizational Psychology at Tulane University, a US citizen, and I do not agree with the proposed ruling. This settlement is a bad idea. If this settlement is the outcome of what was a very telling antitrust trial and fact-finding process by the DOJ then I am going to lose even more faith in the ability of the DOJ to be an island in a sea of corporate-sponsored governmental policy-making than has already been erroded by past DOJ actions. If the currently proposed ruling is allowed to stand, Microsoft will continue its subtle and publicly covert operation of stifling competition and innovation, and (for those who know a fair amount about technology and programming) blatantly produce some of the worst products on the market with virtually no competition that is adequately Windows compatable. Please, please, please, reconsider your proposed decision and be true to the name of your organization. The name that is, in this country, supposed to mean something: The Department of Justice. For how can we, as a nation, attempt to bring and preach justice throughout the world (as we are currently attempting to do) if we cannot even remain unbiased and just in our homeland?

Thank you for your time,
Mike Zyphur

The immature man desires to die for a cause. The mature man desires to live for a cause, humbly.

J.D. Salinger

MTC–00024479

From: jitrbugb@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:30pm
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,
Betty Norman
326 N. Evans
Pierre, SD 57501

MTC–00024480

From: Anne Dirkse
To: Microsoft ATR
Date: 1/25/02 12:34pm
Subject: Microsoft Settlement

I would like to express my sincere dismay at the injustice of the proposed settlement terms of DOJ vs. Microsoft. Such a settlement does nothing to remedy the stifiling impact that Microsoft has had on the industry. Quite the opposite, in fact It opens up a new audience for Microsoft in a market that they would very much like to permeate. Tecnology can and will do great things for this country, but the essence of its sucess should be the same essence that made this country great: freedom. By allowing Microsoft to continue their non-competetive practices you all but ensure that they will not only have increasing control over the operating system market but also that they will continue their attempts to obfuscate and disable other viable technologies, protocols and revolutionary ideas.

You must act now to make sure the Internet, and communications standards remain open to everyone. The following are critical to any agreement terms:

1. Any application or web service distributed by Microsoft which communicates over a network must first have its protocol approved and published by a fair committee. (The idea is not to hinder Microsoft's ability to create their own protocols, only to insure that other applications will compete on their relative merits.)

2. The committee will also provide a protocol compatibility suite (PCS) for the protocol.

3. No Microsoft product, patch, or web service may be distributed without first passing the protocol compatibility suite (PCS).

4. The latest Java Runtime Environment must be installed and configured on all future Microsoft products for the next ten years—including Java WebStart.

Sincerely,
Anne L. Dirkse
anne@annedirkse.com

MTC–00024481

From: barrie@siast.sk.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 12:32pm
Subject: Microsoft Settlement

The Settlement does not go nearly far enough in punishing Microsoft for it's business practices. The Justice Dept, for political reasons only, completly caved on the settlement.

Bryce Barrie

MTC–00024482

From: Helen Traaen
To: Microsoft ATR
Date: 1/25/02 12:38pm
Subject: Microsoft settlement

Please settle with Microsoft and quit spending tax payers money on this long drawn out process, thank,,,,,

Helen Traaen

MTC–00024483

From: (q)Charles Hethcoat(q) (060)Charles Hethcoat
To:RFC–822=verify@*fxsp0;-kegel.com.microsoft.atr@usdoj.gov@i...
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement

Name: Charles L. Hethcoat III
City: Houston
State: Texas
Title: Concerned citizen; Senior Engineer/Stress Analysis
Organization: Currently unemployed

To Whom It May Concern:

I have signed Dan Kegel's Open Letter to the DOJ because I fully agree with it. Microsoft is being rewarded, not punished. Now, as a part of this goofy ''settlement,'' the Pied Piper of Redmond is geing given the next generation of school children to do with as he wishes.

I say it's spinach and I say to Hell with it.

Cheers.
Charles Hethcoat

MTC–00024484

From: Matthew Jones
To: Microsoft ATR
Date: 1/25/02 12:37pm
Subject: Microsoft Settlement

I believe the current Microsoft settlement is not a good idea. Please review the settlement and make sure it meets requirements and standards of existing laws and regulations. When a corporation such as microsoft defies federal anti-trust laws and calls it aggressive business practices, something must be done about it. now is the time to hold microsoft accountable for their actions and see that the company does not continue in its illegal courses of action.

Thank you for your time
Matt Jones

MTC–00024485

From: ddaupert@csc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:12pm
Subject: Microsoft is a monopoly.

Microsoft has been found guilty of monopolistic practices, but my government is set to reward its behavior.

The DOJ/Microsoft settlement is a disproportionately weak response to the harmful, predatory practices of that business entity. Most of the time I believe it is not in our best interests for the government to micromanage free market activities. But in this case, the actions of Microsoft have proven to be harmful to the marketplace community, and by extension the larger economy.

If my government fails to protect the interests of its citizens on such a hugely influential matter, that failure will corrode the trust its citizens place in it. Furthermore,

letting the monopolist off so lightly essentially codifies into law its monopolistic practices, and paves the way for further and more egregious activities.

It is my view that a structural response, such as breaking the company into operating system and application entities is not an unfair nor an uncalled for response. I believe Microsoft has proven in the past it is well capable of circumventing the rules other business entities follow in its predatory campaign to stamp out competition. Thus, I believe more conservative behavioral remedies will, in the end, prove no barrier to further illegal and egregious behaviors on the part of this entity.

Dennis Daupert

MTC–00024486

From: ayahone@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:35pm
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,
F N Ingram
POB 12446
Odessa, TX 79768

MTC–00024487

From: sherbet—50@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36pm
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,
Herbert Rowland
7565 Keating Dr.
Indianapolis, IN 46260–3300

MTC–00024488

From: Christopher Plummer
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

Greetings,

I would like to submit the following as a Tunney Act comment regarding my opposition to the proposed final judgement against Microsoft:

As an information technologies professional for twenty years I have observed the rise of Microsoft and noted with concern many of its anti-competitive and monopolistic practices, only some of which have been addressed by the DOJ case.

In general I am convinced that the remedy proposed will not prevent Microsoft from unfairly maintaining its monopoly, not stop it from thwarting competition and innovation in the computer and every other industry it touches, and will not in the end prevent Microsoft from harming consumers by hindering their choices in the marketplace. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions, Fails to Prohibit Anticompetitive License Terms currently used by Microsoft, Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft, Fails to Prohibit Anticompetitive Practices Towards OEMs, and as currently written appears to lack an effective enforcement mechanism.

Please go back to the drawing board and come up with a remedy that will actually protect and benefit consumers!

Thank you,
Christopher Plummer
Lotus Notes Administrator
Independent Contractor
Flemington, NJ USA

MTC–00024489

From: bsteinhour@santeccorporation.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36pm
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,
Bill Steinhour
220 Malibu Street
Castle Rock, CO 80104

MTC–00024490

From: Tazanator
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Microsoft Settlement

sir;

I believe that the original proposal of splitting up microsoft into several smaller independant companies is truely what is needed in the intrest of fair play. The court records show they have run a monopoly and violated anti-trust laws and have continued to bully the computer market even during the trial. To belive they won't continue to do the practices that made them the largest in the business is a travisty to justice. In fact to belive they will change and be open to compition is to belive that the windows XP isn't them tring to fix the lemons in Windows 95. If they built cars you know they would have been pushed out of business by now for inferior support and a product that is very unstable. They have kept the markets closed thru their legal department and arm wrangling to the point that there has never been a chance for the american people to stand up and voice what we belive is a better product let alone a company to try to make a better product available to the people.

Please in the interest of the american idea of free competiton bust the microsoft monopoly into several smaller corporations. It would give the computers back to the people that created them allowing the programs to improve instead of repair what microsoft has crippled. —

MTC–00024491

From: Sam Mills
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Microsoft Settlement

Do not settle with microsoft. People who abuse the system must be held accountable.

Sam Mills

MTC–00024492

From: Cesar Rebellon
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: comments

Just a quick comment on Microsoft— My feeling, for whatever it may be worth, is that Microsoft, intentionally or not, has so much market share that they inhibit the very competition that our country prides itself in promoting. Just my two cents worth...

Cesar J. Rebellon, M.A.
Applied Research Services

MTC–00024493

From: IVAN BOTVIN
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: Microsoft settlement

Gentlemen, I understand that you are now in the process of reviewing the governments settlement with Microsoft. It is my opinion that the settlement is fair and should not be touched. Microsoft is a very important player in the growth of the computer industry. It has been the leader in developing the technology

that has brought the computer into the homes of a large percentage of our people. It also is an important source of foreign sales which helps us in our balance of payments problem. It has helped make American business more competitive with it's applications for them. In short, we need Microsoft and we need it with the ability to keep innovating. I support the settlement as it now stands.

Sincerely,
Ivan J. Botvin
5300 E. Weaver Dr
Centennial, CO

MTC–00024494

From: Andy Rosen
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Proposed settlement—unacceptable

To whom it may concern,

I have worked in the computer industry as a software engineer and systems administrator for over 15 years. I am writing to express my concerns about the proposed settlement by the Dept. of Justice and Microsoft. There are two primary goals in any anti-trust remedy: gains achieved through illegal means should be recovered and competition should be restored to the relevant market.

It is my strong belief that, if approved, the settlement would not penalize Microsoft in any way, nor would it restore competition to the relevant market. In fact, it would further entrench Microsoft's monopoly position and allow them, legally, to extend that position to new markets. The proposed settlement includes no penalties for Microsoft. They would simply be allowed to keep the countless billions of dollars they have acquired as a result of their illegal practices.

While the relevant market was defined as Personal Computer Operating Systems, the proposed settlement does nothing to restore competition to that market. Instead, it tries to ensure that third parties will have continued access to the information necessary to write application software for future Windows platforms.

It was shown in the trial that there is a significant ''applications'' barrier to entry. By helping companies write *more* applications for Windows we would be helping Microsoft to strengthen their position. Additionally, there are loopholes that even a casual observer can recognize. For example, Microsoft would be allowed to determine who will have access to new and existing system interfaces. In other words, they would be allowed to pick and choose who their competition will be in any application software market.

Microsoft would also be allowed to block all access to major portions of their interfaces by claiming they are part of system security, or virus protection, or content management, etc. As they have shown in the past, Microsoft is quite capable, and willing, to tie unrelated products together not for technical reasons, but to eliminate competition. Instead we should be taking steps to bring existing applications to platforms that attempt to compete directly with Windows, such as OS/2, Linux, BeOS, FreeBSD and UnixWare.

Microsoft had their year in court and were found guilty. The trial is over. The appeals process is over. Now is not the time for settlements. Now is not the time for judgment. Now is the time for remedy.

Andy Rosen <ajr@ajr.cx> Senior Software Architect and Systems Administrator
http://www.ajr.cx/pubring.asc

MTC–00024495

From: Carl Stewart
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: The Microsoft Case

Hi there,

While I may not be a US citizen, I'm in Canada by the way. Microsoft has abused its monopoly and it should have a remedy put at it. And here's my proposed remedy for it.

1. Split it up into 3 companies. One for operating system products. One for Internet software. And the third for any other kind of software.

2. Make it open up the API for all of its operating systems, and future operating systems. So that programmers have the same chance to make great products as it does itself.

3. Any proprietary feature in its Browser that it has, it must open up so that competitors that make other internet browsers can have that same set of features. In other words, it has to submit it to W3C first, then if its approved, it can then add it to its browser. So then its competitors can have the same features as well.

4. When it gives out licenses to OEM's, it cannot limit the OEM to just having its operating system on the computer. This way if the OEM wants to put 2 operating systems on the computer to give its customer's a choice of which operating system to use, or to explore another operating system like linux, while still using windows.

5. Give the OEM's a choice of which browser to ship with the operating system. So if an OEM wants to ship Netscape instead of Internet Explorer, it can. And if the consumer wants to use Internet Explorer, then it can download it from Microsoft. Or at the very least, a stripped down browser, with basic download capabilities and html reading so that the consumer can choose which browser to use.

6. Open up the samba sharing system, so that competitors can have full access on how to implement it in their operating systems. Including how to access it from their operating system.

7. Microsoft cannot limit OEM's as to which software to include and not to include, for example Microsoft cannot give them a lower price or some other deal by only including Microsoft Office and not a competitors Office Suite.

Well there's my ideas on the type of remedy Microsoft should be given. Thanks for listening.

Regards,
Carl Stewart

MTC–00024496

From: chasmid@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:39pm
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,
Charles Middlebrooks
5005 Casa Grande Dr.
Dickinoson, TX 77539

MTC–00024497

From: Ed Boutros
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement

As a user of Apple computer products it should be noted Microsoft has not produced a version of their database called Access for the Macintosh. To many people this may seem insignificant, but what it does is eliminate the full integration of apple computers in business environments. The other point is that in the windows version of Outlook, the mail client, Microsoft created a networked calendar system, which again was not provided for the Macintosh mail client called Entourage. People may say so what, what I say these omissions were done on purpose to maintain Apple's niche status in the computer industry, since when an Apple computer is sold Microsoft generates no money from the transaction, but may my benefit from the purchase of their limited office suite. In order to level the playing field, the company needs to be split in 3 ways, one for operating systems, one for add on software and another for services like web tv and .net. The company has vast influence and must be monitored more closely, since now Microsoft now has the ability to shut off software that is purchased but not registered. There is always the possibility that at some point there could be massive computer shut downs if someone hacked into the activation system, or if a bug occurred in the activation system. This would represent a serious nation security risk to the national and world economy. The implications are serious.

Ed Boutros
24 Oak Brook Dr.
Ithaca, NY 14850
607–272–8902

MTC–00024498

From: Nall, Clinton (SCH)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:45pm
Subject: Microsoft Settlment

I would like to register my disappointment with the current proposed final judgement in this case. The terms API and middleware are

so narrowly defined as to make the impact of this judgement minimal to Microsoft. If anything, it will be licensed to continue it's anti-competetive practices with impugnity. Any settlement that does not toss out Microsofts preload agreements and open their office suite formats and networking protocols to the light of day will be a travesty and will pave the way for many more years of the Microsoft non-benevolent monopoly.

Go back and get it right!

Clint Nall
250 Fairfax Drive
Alpharetta, GA 30004

MTC–00024499

From: Kevin Carter
To: Microsoft ATR
Date: 1/25/02 12:43pm
Subject: Microsoft Settlement

RECOMMENDATION: Reject the current proposal. Two facts lead to one conclusion my recommendation:

FACT 1: Microsoft Corporation has proven itself to be a powerful and dangerous force because of the many ways it has leveraged its monopoly in Windows OS-dependent markets.

FACT 2: The current potential settlement between Microsoft Corp. and the U.S. Department of Justice proposes to maintain that dynamic in the long term and impose short-term restraints based on regulatory oversight. CONCLUSION: The current proposed settlement between DOJ and Microsoft Corp. will fail to put an end to the illegal monopoly; fail to prevent a return to anticompetitive behavior; fail to deny the violator the benefits of its illegal actions; and fail to ensure competition going forward.

RECOMMENDATION: Reject the current proposal.

Thank you.
—Kevin Carter
—18 Longfellow Road
—Arlington, MA 02476

MTC–00024500

From: Travis Morgan
To: Microsoft ATR
Date: 1/25/02 12:46pm
Subject: Microsoft Settlement

The proposed settlement for the Microsoft Anti-Trust case is outrageous and should not be allowed!

Travis Morgan
CIO, Inc.
Main Line: 913.962.6222
New Direct Dial: 913.562.5645
Turning Systems into Solutions
www.cioinc.com <http://www.cioinc.com/
Please make note of our new address:
11656 West 75th Street
Shawnee Mission, KS 66214

MTC–00024501

From: bruceleev823@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:43pm
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,
bruce venable
26311 judy circle
romulus, MI 48174

MTC–00024502

From: Robert K. Murawski
To: Microsoft ATR
Date: 1/25/02 12:46pm
Subject: Microsoft Settlement

The settlement falls short.

Robert K. Murawski
Research Assistant
Physics Department
Stevens Institute of Technology
Hoboken, NJ 07030
work 201.216.5657
fax 201.216.5638

MTC–00024503

From: GO2GARCIA@
HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 12:44pm
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,
Jose Garcia
245 N RIDGEWOOD PLACE
APT. #110
LOS ANGELES, CA 90004–4045

MTC–00024504

From: macworks@telocity.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:48pm
Subject: Settlement unjust!

Re-instate the original verdict and recommendations of the trial judge. Microsoft should be broken up into a operating system company, and an applications company. The Explorer browser and interface should be removed from the operating system to become a standalone application. Substantial fines should be levied against it for the outrageous misconduct engaged in by Microsoft.

Thanks for listening!

MTC–00024505

From: Steve Meyer
To: Microsoft ATR
Date: 1/25/02 12:49pm
Subject: Microsoft Settlement

I am completely perplexed at the actions of AOL. It is so obvious that AOL (among others) is using the Justice Department/States Atty Generals'' offices to act as its private outside counsel in its battle against Microsoft, that it's hard to for me to believe that no one in the government can see what's occurring. This is pure economic politics on the part of the hold-out states and economic blackmail on the part of AOL; and as a taxpayer, I find it offensive that AOL has been using my tax dollars to boost earnings that it cannot get in the marketplace via old-fashioned competition.

If the hold-out states are truly interested in stamping out anti-competitive practices, they need to look no further than their AOL bedfellow. Weren't they the ones who promised open access if they were allowed to acquire Time-Warner? Didn't they promise to allow other instant messaging vendors access to their IM system so we all could benefit? They can't have it both ways. You can't claim Microsoft is anti-competitive in one market while AOL is doing the same thing in another market.

For the record, I don't own Microsoft stock (nor have I ever), but I do use their products daily which is why I, and thousands like me, have jobs today.

Pull the back the covers and stop the charade.

Steve Meyer
Communication Partners, Inc.
858–673–2266 x110

MTC–00024506

From: Barron Koralesky
To: Microsoft ATR
Date: 1/25/02 12:44pm
Subject: Microsoft Settlement

To whom it may concern—

I am firmly against the current Microsoft settlement. The penalties do not at all address Microsoft's misdeeds in the past. Moreover, it allows them to futher gain footholds in other markets. Thereby —increasing— thier monopoly status.

Please rethink the settlement terms.

Thank you,
—Barron Koralesky
Barron Koralesky
AIA[Science]
Macalester College

MTC–00024507

From: Timothy A. Musson
To: Microsoft ATR
Date: 1/25/02 12:50pm
Subject: Microsoft Settlement

I would like to voice my opinion that Microsoft should be severely punished for their anti-competitive actions. The corporate ''citizen'' that is Microsoft has used its

monopoly to severely injure fellow corporations, and thus has hurt consumers. Their actions warrant heavy financial penalties (real dollars to be spent completely freely by the recipients, not donated software and old computers) and oversight.

Thank you,
Timothy Musson
1900 E 30th St. #601
Cleveland, OH 44114 —
Timothy A. Musson
NASA's John Glenn Research Center at Lewis Field
Software Engineer
Zin Technologies
216–977–0608
mussont@zin-tech.com

MTC–00024508

From: shirleyb3@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:47pm
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,
Shirley Basista
8623 Hollis Lane
Brecksville, OH 44141–2031

MTC–00024509

From: clrunger@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:48pm
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 Runger
24372 N 113th Pl
Scottsdale, AZ 85255

MTC–00024510

From: A. Corkins
To: Microsoft ATR
Date: 1/25/02 12:51pm
Subject: Microsoft Settlement
Dear Judge Kollar-Kotaly:

I'm a Network Engineer working for a large networking equipment provider. I'm writing to express my disagreement with the Proposed Final Judgement for the Microsoft AnitTrust Lawsuit.

After all the effort that has been expended and the findings of numerous Courts that Microsoft in fact established an illegal monopoly. This PFJ does not go far enough to remedy the past wrongs, nor create sufficient provisions to curtail its behavior in the future.

I am very much in favor of free markets and competition, and allowing those that win by establishing new technologies that clearly benefit society from profiting from their efforts. I work for a large networking company that is clearly the leader in its industry, and I also enjoy the fruits of our collective efforts and am proud of how we have benefitted society as a whole.

Microsoft though has sought to maximize its profits and market dominance, through methods which I believe compromise the delicate ethical balance between the benefits of competing in free markets and benefitting society.

Their predatory practices of using their market strength to wrestle Intellectual Property from competitors and partners, they have violated all kinds of fairness standards in my mind. I don't mind seeing weak companies and products being beat, that is certainly a normal and healthy part of business. But when those that might develop competing products are bribed not to do so, are we really better for that? The PFJ supposedly addresses this, disallowing Microsoft from paying people not to develop code, but then allows it if it is ''reasonably necessary''. But there is no provision for who decides this standard.

The ''bolting'' of IE, where Microsoft feigned ignorance in allowing people to use other HTTP browsers in my opinion was again abuse of their OS monopoly. IE is an inferior product to some of the other browsers that are no longer being advanced, because Microsoft (who is supposed to be serving its customers well with its OS product), creates barriers to ease of use for other browsers.

Their pre-installation of ''middleware'' products that can't be removed is yet another area I believe the PFJ doesn't sufficiently address.

Please do not allow this PFJ to go forward in its current form, this would be a dis-service to the General Public.

Best Regards,
Adam Corkins
PO Box 640244
San Jose, CA 95164
408–527–5098
CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00024511

From: Philip Sekar
To: Microsoft ATR
Date: 1/25/02 12:53pm
Subject: Microsoft Settlement
Dear Mr. Hesse,

There is an old saying:'' Do not beat the cow that feeds you with milk''.

I am a consumer. As a consumer all I need is the best software for a good price. Bill Gates has provided this to me. I am not alone. We have millioons of people around the whole world who depend on Microsoft Products.

Bill Gates is one of the major contributors to our economy. It is totally unwise to hurt him. I have used Netscape Communicator. My computer was crashed. Netscape Communicator is not as good as Microsoft Internet Explorer. Therefore, if Netscape is not up ro the mark, why should Micrsoft be Punished?

Please spare Microsoft. Please Do not beat Microsoft.

Thank you .
Sincerely,
Philip c. Sekar,Ph.D

MTC–00024512

From: William keith
To: Microsoft ATR
Date: 1/25/02 12:55pm
Subject: Microsoft Settlement
Gentlemen,

Enough is enough regarding the attempted AOL/Netscape interference with the settelment of the Microsoft case. It should be remembered that the ''injured'' netscape was sold for an enormous amount of money during the litigation over it's ''injury by Microsoft''. If the company that bought it thought it was so ''injured'', why did they pay so much money for it? The simple fact is, Netscape is not as good as the Microsoft product, and people do not want to buy it. Please proceed with the settlement, disregarding the attempt to prolong it by AOL.

William N. Keith
HC 1
Box 650
Pontiac MO 65729
417–679–3421

MTC–00024513

From: Michael Thomas (San Diego)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement
To whom it may concern:

I would like to make my comments against the proposed Microsoft Settlement of the Antitrust suit against them, pursuant to the Tunney Act. I oppose the Settlement in its current form.

The Proposed Final Judgment (PFJ) has many issues that do little or nothing to prevent Microsoft from continuing their monopoly of the personal computer operating system market, and is therefore —not— in the public's interest. I agree with all of the problems identified by Dan Kegel's

analysis of the PFJ (on the Web at http://www.kegel.com/remedy/remedy2.html).

I would like to expound on one of the issues that affects my interests the most. If I would like to purchase a computer from any of the major Original Equipment Manufacturers (OEMs) in the market (Gateway, Dell, HP, Compaq), but would like to get a computer with a freely available Open Source Operating System (such as Linux, OpenBSD, etc.), I am unable to do so. This is because these OEMs have found it fiscally unfeasible to offer such alternative Operating Systems.

I would like to point out the oddity of the statement that an OEM can not sell a computer with an operating system that incurs no cost to them, because it is fiscally unfeasible. This unfeasibility derives from the fact that these OEMs entered into contracts that allow them to purchase a Windows Operating System at a lower price, due to Market Development Allowances— in effect, discounts. These contracts prevent the OEMs from selling other Operating Systems, by threatening to no longer sell them the Windows Operating System at a lower cost, effectively raising the cost of their manufactured PCs, which leads to fewer sales for that OEM (due to competition amongst the OEMs).

The PFJ has no recourse for this issue, and in fact allows such things. The PFJ prevents Microsoft from retaliating against OEMs that ship computers that have a Windows Operating System —and— a non-Microsoft Operating System, but makes no mention for computers that have —only— a non-Microsoft Operating System. Microsoft is given free reign to retaliate against OEMs that want to sell machines in a configuration that will have either a Windows Operating System or a non-Microsoft Operating System. This is not the way to prevent Microsoft's monopoly from continuing. Instead, it furthers it, allowing Microsoft to force OEMs to sell computers that contain their products.

This is but one of the many things I find problems with in the PFJ. Again, I oppose the PFJ in its current form. Please consider this my plea to reconsider, and to work to make a stronger, PFJ to better serve the public's interest.

Michael J. Thomas
San Diego, CA

MTC–00024514

From: Deanna St. Louis
To: Microsoft ATR
Date: 1/25/02 12:57pm
Subject: Microsoft Settlement

Please uphold the the ruling in the Microsoft Lawsuit. The settlement is fair, and further action, such as breaking Microsoft up or stiffer penalties, would lead to higher costs for both consumers and for businesses. As a computer user, I have not seen the evidence that they state in this lawsuit. I use a variety of software from many different manufacturers. Through the years I have used, and still do, a variety of browsers. Internet Explorer is the browser that I prefer for my general web surfing. This is only because I prefer it to Netscape. Before Netscape or IE, I used Mosaic and Spry Mosaic. I have also experienced other browsers, such as Genii and have written my own browser in Java. All these browsers were free, even before Netscape or IE existed. I downloaded them legally free, received them bundled with a software program, or got them from an ISP. When Netscape became available, I changed from Spry Mosaic. At that time, it had a better interface and more functionality. I then tried Internet Explorer. At first, I did not like IE as much and I was also used to Netscape. However, I continued to use both browsers equally depending on what mood I was in that day. Then newer versions of IE came out with functions and a more professional appearance that I preferred to Netscape's interface. I believe that they were not improving Netscape in its functionality or design. Both browsers installed has not caused my computer to become unstable. Throughout the years, I never noticed any problems with downloading or getting any browser free and legally, including finding the links to download them. I also, did not purchase other software programs that I use, such as Corel's Word Perfect Suite because it had Netscape or Microsoft's Office because it included IE. Today, I use IE. I still have Netscape installed and use it to test Web Site Development. Because the browser now comes as a part of Windows is not the reason that I prefer it, as I started to prefer IE's functionality far before this occurred. In my position I also have to know about a variety of software programs, including browsers. I use Linux, and Windows as operating systems. I have found that Windows to be more user friendly. Costs to businesses that had employees who must learn Linux or both operating systems would be high. However it is an alternative operating system for those who want to use it. In that Linux is available, I do not feel that Microsoft has been curtaining software development. I also am concerned that needing to create new chipsets to run new operating systems or different versions will drive the cost of computers up. I am sure that Hardware manufacturers pass the cost of this research and manufacturing onto the general consumer. Unix has the monopoly on the Internet as it runs on more servers than Microsoft products. I do not feel that Microsoft is curtailing the creativity or competition of software developers. The information that Microsoft has provided in their knowledge base on their product is beyond what most other companies provide to their customers. I appreciate this aspect of Microsoft. Other companies provide little information, and often require a consumer to pay for their repair services for their software products. Giving information about the product would not be a large financial burden to them. Microsoft has been extremely fair to the consumers of their products. I have had OEM's make changes to the Operating System to make their bundled software run. It has been my experience that this has lead to severe instabilities in the operating system. Our financial world and industry depend upon the stability of that operating system. I feel that any advancement toward this end, whether it is integrating the browser or not allowing changes to the start-up screen is very important.

Computers are not easy to troubleshoot when something goes wrong. It simply makes the technicians job harder and adds more costs to businesses. They can already make enough changes to the windows desktop, to satisfy most general office workers and computer users. Since the world economy and my own work relies upon the stability of the operating system, some standardization may need to be done to continue to provide this growth.

As someone who has used computers, taught computers, developed programs in java, c++, and c, I have not seen the evidence of the issues in the lawsuit. I can only feel that this has been done for other reasons. Since some businesses have made bad business decisions or not produced a superior product, Microsoft should not be broken up or undergo further penalties.

MTC–00024515

From: Ryan VanderMeulen
To: Microsoft ATR
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement

Like many other people I'm sure you've already heard speak out, I don't understand how you can say the proposed settlement with Microsoft is fair and just. For as much of my tax dollars that went into fighting them in court and ruling against them, I don't see anything to show for it. Since when does the court allow the guilty to choose their own punishment? I strongly urge you to please reconsider your previous judgment and to do something that will actually punish Microsoft for the horribly anticompetitive actions they've undertaken.

-Ryan VanderMeulen

MTC–00024516

From: Jason Edwards
To: Microsoft ATR
Date: 1/25/02 12:59pm
Subject: Microsoft Settlement

I would like to comment on the Proposed Final Judgement(PFJ). First I hate buying a new computer and not having a choice for the operating system. I think this settlement will help give people a choice in operating systems. While the PFJ prevents Microsoft from changing it's commercial relations with an large OEMs if that OEM is shipping a system with Windows and a non-Microsoft OS, or with more than one OS, it does not prevent Microsoft from changing it's relations with the OEM if the OEM is shipping a system with only one non-Microsoft OS. Additionally, the PFJ does not prevent Microsoft from changing it's relations with small ''hometown'' OEMs. Please consider these things into consideration when the final judgement is made.

Sincerely,
Jason Edwards
Software Engineer, Utah Interactive
801–983–0275
68 South Main Street SALT LAKE CITY, UT 84101–1525

MTC–00024517

From: Lou Ceci
To: Microsoft ATR
Date: 1/25/02 12:59pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232). I believe the settlement is inadequate and unjust. It will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for its unlawful conduct. I am writing this to officially note my opinion as allowed by the Tunney Act.

Sincerely,
Louis G. Ceci

MTC–00024518

From: Jan Robison
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft settlement
2470 Caladium Drive
Atlanta, GA 30345
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The last thing the economy needs is for Microsoft to suffer damage at the hands of the federal government. If Microsoft is punished to the extreme for their antitrust violations, the consumer will suffer and the technology industry will receive a crippling blow. Last November, a settlement was proposed that allows Microsoft to remain intact, but prevents future antitrust violations. I do not believe that further action is necessary on the federal level.

The settlement provides means through which computer makers and software producers will be able to compete fairly with Microsoft, either by operating within the Microsoft framework, or working independently. For example, Microsoft has agreed to reformat future versions of Windows so that non-Microsoft programs will be supported within the operating system. Microsoft has also agreed not to take retaliatory action in the event that software should be introduced into the market that directly competes with Microsoft technology. I believe the settlement is generous on Microsoft's part, and I do not wish to see this generosity taken advantage of. I do not believe litigation should be continued against the Microsoft Corporation. Those who are currently seeking to undermine the settlement do so for their own profit and not for the greater good. I urge you to support the settlement. It is time to move on.

Sincerely,
Janet Robison

MTC–00024519

From: fmr@mtcw.org@inetgw
To: Microsoft ATR
Date: 1/25/02 12:58pm
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,
Frank M. Rich, III
114 Lenape Drive
Lansdale, PA 19446

MTC–00024520

From: Tom Yahnke, Sr.
To: Microsoft ATR
Date: 1/25/02 1:01pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently leaked from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.
—TY

MTC–00024521

From: gprechel@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:58pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gordon Prechel
777 E. Thomas Rd.
Phoenix, AZ 85014

MTC–00024522

From: Jason Hummel
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft Settlement

Microsoft's stranglehold on the computer industry is stifling competition in almost every sector of the computer field. The proposed settlement is incredibly light and will not deal with their anticompetitive practices at all.

Jason Hummel

MTC–00024523

From: Franz
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft Settlement

I support the current settlement between Microsoft and the Department of Justice. The settlement provides a fair and reasonable outcome of the case. The settlement will deliver what the DOJ intended to receive without limiting the competition in the market. One has to keep in mind that the ruling will not only effect the way Microsoft can and will do business, but also how the competition and new industries will have to conduct themselves. In my opinion, it's the consumer who is still able to make a decision and they will chose the best and least expensive solution. Other companies are free to develop and market better solutions and the market will take care of this. Any limitation of one company alone will not be just. It will have to be a solution which is valid for all and will also be relevant for the future, no matter which company or product will have the highest market share.

Regards
Franz Rau
Redmond, WA

MTC–00024524

From: Mariette Knoblauch
To: Microsoft ATR
Date: 1/25/02 1:04pm

Subject: Microsoft Settlement

My thoughts are that the proposed settlement in the Microsoft case is completely inadequate. It ignores the damage Microsoft's past anti-competitive practices have done in the past to competing systems (OS/2 and Amiga, for example), and does not do enough to prevent future anti-competitive practices. Any fair settlement must allow competitors access to the desktop and to the APIs, and must contain provisions for oversight of Microsoft's dealings with competitors and OEMs.

Mariette Knoblauch

MTC–00024525

From: Shane Williams
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Microsoft Settlement

I am writing to indicate that I believe the proposed Microsoft settlement is insufficient, contains loopholes and does not properly ensure a fair market for competitors. A number of the flaws with the settlement are listed at http://www.kegel.com/remedy/letter.html (which I have co-signed).

In addition, I would like to emphasize a few problems in particular. First, I strongly believe that one of the keys to creating a fair playing field for Microsoft's competitors (both in the OS and application markets) is opening ALL the APIs in all of Microsoft's OSs. Application developers have long believed that Microsoft (MS) has held back a number of ''secret'' APIs that allow its software to run more effectively and smoothly on its OSs. In my expereience as a computer user I strongly believe this to be the case. Forcing MS to document such APIs openly and completely will place non-MS application developers on the same footing as MS application developers. In addition, open and complete API documentation would allow competing operating systems to implement similar APIs in the own code. Such non-Microsoft implementations of Microsoft APIs would allow software written for Microsoft operating systems to be significantly more compatible with competing operating systems. In order to not put microsoft at a disadvantage by requiring that only it release full API documentation, the settlement could stipulate that any competing operating system wishing to implement Microsoft's APIs should also make their APIs open and available.

On another note, I am greatly disappointed by the lack of a punitive facet to the proposed judgement. The Findings of Fact in this case clearly indicate that Microsoft abused its monopoly powers to increase it profits and keep out competitors. Furthermore, Microsoft's conduct during and since the trial would seem to indicate no sense of remorse over their actions. To this day they still paint this legal battle as the big government vs. ''the right to innovate'' rather than out of control monopoly vs. truly free markets. I strongly believe that corporations who not only violate antitrust laws, but continue to flout such restrictions should be punished. Further, if we follow the Findings of Fact that Microsoft's actions helped it strengthen its market position, it is only reasonable to assume that such strengthening led to an increase in Microsoft's profits, even if indirectly. For instance, it is worth noting that since Microsoft's market position has strengthened over the last decade, the prices of their products has increased at a rate beyond simple inflation. This price-gouging is precisely one of the results that antitrust laws were desgined to prevent.

Thank you for you consideration of these points regarding the proposed DOJ settlement with Microsoft and I look forward to hearing about changes to the currently proposed remedies. —

Shane Williams
Systems Administrator UT-GSLIS
Public key #7BBC68D9 at
http://pgp.mit.edu/

MTC–00024526

From: Rodney Gooding
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Bad idea for government settlement

Hi

I wish to voice my objections too the government's settling of the Microsoft anti-trust case as Microsoft still hasn't made any changes necessary as ruled prior with regards to the Microsoft vs. Netscape cases.

What hope is their that any settlements now will be fulfilled. Unless you really allow competition, we are all going to be paying ridiculous pricing for software as their will be no real choice..

Thanks, rodney gooding
Real media user
Opera browser user
Linux user

MTC–00024527

From: Flores, Herbert
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 1:05pm
Subject: Microsoft Case
Herbert D. Flores
MCSE, MCT, CNE, CNI, CTT
ITD—St. Network Engineer x 6405
Sony Electronics, San Jose
CC: Flores, Herbert
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I understand that the settlement that was recently agreed to between the federal government and the Department of Justice is currently undergoing a sixty-day public comment period. It is my hope that when this period is over, the court will accept the settlement.

The settlement is fair and reasonable and is a far better alternative to breaking- up the company. The settlement was reached after intense negotiation and does not let Microsoft ''off the hook,'' as some of its adversaries are claiming. Not only does the settlement address the all of the complaints in the original lawsuit, but Microsoft has agreed to measures not even at issue in the original case. First and foremost, Microsoft has agreed to share portions of its patented code for the Windows operating system. On a more pedestrian note, it has also agreed not to enter into any agreements obligating any third party to distribute or promote Windows technology exclusively or in a fixed percentage. Furthermore, it has agreed not to retaliate against software developers that develop or promote software that competes with Windows. These measures should appease Microsoft's competitors.

A Microsoft break-up is not necessary. To do so would have seriously compromised the integrity of its operating system that would have disastrous consequences for everyone. This settlement is a far better alternative.

Sincerely,
Herbert Flores
Owner

MTC–00024528

From: adam bowker
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Microsoft Settlement

To whomever 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.

Adam Bowker
Dover, NH

MTC–00024529

From: Jon Laufersweiler
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position? Why should they change their behavior if it continues to be profitable in spite of antitrust litigation?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently come from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that

they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.

—Jonathan Laufersweiler

MTC–00024530

From: evil_spock@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:04pm
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,
Robert Giramma
16 Crestview Avenue
Medway, MA 02053–1431

MTC–00024531

From: za60@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:04pm
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,
Alex Zappavigna
9250 Dunhill Ct.
Colorado Springs, CO 80920

MTC–00024532

From: Maureen Yahnke
To: Microsoft ATR
Date: 1/25/02 1:07pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position? Why should they change their behavior if it continues to be profitable in spite of antitrust litigation?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently come from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.

—Maureen Yahnke

MTC–00024533

From: Keith E. Risler
To: Microsoft ATR
Date: 1/25/02 1:07pm
Subject: Microsoft Settlement
EMAIL TO: microsoft.atr@usdoj.gov
RE: Microsoft Settlement
FROM: KEITH E. RISLER
DATE: 25 January 2002

These comments are supplied as part of the public comment process required by the Tunney Act, and refer to the proposed settlement of the antitrust trial involving Microsoft Corporation.

As you are likely aware, Microsoft Corporation maintains a mailing list that it refers to as the ''Freedom to Innovate Network.'' During the long period involving its antitrust trial, Microsoft Corporation has sent many ''FINFlash'' mailings (the term FINFlash being coined by Microsoft itself in such mailings) to persons on their ''FINFlash'' list.

Microsoft has recently been dispatching FINFlash mailings encouraging people on the FINFLash list to submit comments on the proposed settlement, as permitted by the Tunney Act. Microsoft noted in a FINFlash I received on December 31, 2001 that:

''The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Don't let these special interests defeat the public interest.''

Although I do not agree with Microsoft's unsupported assertion that ''special interests'' seek to defeat the proposed settlement, I do wish to offer comment as allowed by the Tunney Act. I am not a particularly ''special'' interest, but for many years was supportive of Microsoft Corporation, purchasing thousands of dollars worth of fully licensed Microsoft software.

I am one of Microsoft's most loyal, repeat customers. I have been on Microsoft's FINFlash mailing list for some time; during the initial phases of the Microsoft antitrust trial, I was a supporter of Microsoft Corporation with respect to the allegations made by the U.S. Government against the company. During the trial and especially in light of the Findings of Fact in the case, my position changed.

I was compelled to conclude by the rational and logical way in which the Findings of Fact summarized many Microsoft practices that had seemed a mystery to me in previous years, that Microsoft has indeed engaged in illegal practices.

As I reviewed the Findings of Fact, it became logically and rationally evident that Microsoft for many years has not been so much in the business of selling products in demand by the public, so much as Microsoft has been aggressively funnelling the public to products it happens to market, or has plans to market.

I use Microsoft products that I have acquired both from my location in Canada, as well as direct from Microsoft in the United States. I am a licensed user of Microsoft Visual Basic version 6.0, and have used that product dating back to its early days as Microsoft QuickBASIC. I am a licensed user of two fully licensed copies Microsoft Office 2000 Premium Edition, one such package being acquired in the United States, in addition to other Microsoft products, the

patches and upgrades for which have often been shipped from Microsoft in the United States.

As one who has used Microsoft products in one form or another for almost 18 years now, I can only conclude that the proposed Microsoft antitrust trial settlement is inadequate. My comments are as follows:

1. The proposed settlement fails to effectively prohibit in the future the same illegal or similar conduct that Microsoft Corporation committed in the past.

The oversight concept that has been rolled into this settlement will do no more than guarantee the same kind of corporate behavior that Microsoft engaged in with respect to the previous consent decree. That is to say that, in effect, no real restrictions have been placed on the company by the settlement, in terms of people who would supposedly supervise Microsoft in some ill-defined manner.

2. The proposed settlement does nothing to reign in Microsoft's ability to shape the market as it pleases.

My understanding of U.S. antitrust law is that the general presumption is that the potential harm to the consumer should be the guiding factor; that principle seems to be ignored in the proposed settlement or at best given short shrift.

I believe there is plenty of extant evidence to suggest that Microsoft, despite the antitrust trial proceedings, is even now exercising a degree of market manipulation that suggests it totally dominates most of its key markets. It is reasonable that the court consider how the proposed settlement affects such ability on Microsoft's part to effectively decide where both consumers and competitors go today, tomorrow, and long into future.

Case in Point: Microsoft Corporation some time ago announced its .NET (pronounced ''Dot Net'') initiative. Referred to as bringing ''tware as a service'' to the market, when I for one haven't heard anyone I know express an interest in what amounts to forced rental of software, .NET very clearly implies Microsoft's capacity to shape the market at will to the detriment of consumers and competitors.

To be more specific, consider how Microsoft has behaved, and is behaving at this very moment, with respect to its very widely used Visual Basic software, previously in current version 6, and reissued with a pricey new twist in ''upgraded'' .NET form.

When Microsoft recently announced that the next versions of its programming languages were available, Visual Basic users found that they could no longer continue to upgrade to just Visual Basic! Instead, the Visual Basic user must acquire or ''upgrade'' to the full suite of Microsoft programming languages now reworked as Visual Studio .NET, just to upgrade Visual Basic. The standalone Visual Basic product has been abruptly eliminated.

Microsoft, as of this writing (January 25, 2002) maintains a web page with a Visual Studio .NET FAQ (''Frequently Asked Questions'' page). It is located at: http://msdn.microsoft.com/vstudio/prodinfo/qa.asp

One of the rhetorical questions on that FAQ page asks: ''Where are the Professional and Enterprise versions of Microsoft Visual Basic(R) .NET and Microsoft Visual C++(R) .NET?''

The glib Microsoft answer on that FAQ page is that: ''The functionality previously available in Professional and Enterprise versions of the individual language products is now available in the Professional and Enterprise versions of Visual Studio .NET .... ''

Few companies that I know of have the ability to engage in such tied selling and make it work to their advantage without losing market share. Although one is nominally free to continue using Visual Basic, one has to buy the new Visual C#.NET (pronounced ''See Sharp Dot Net'') .NET programming language as well, as it comes with Visual Studio .NET. One cannot see many small developers bothering to continue with Visual Basic after being forced to buy much of Microsoft's .NET kitchen sink. Once this forced march investment is made one might as well cave in and rationalize the ''investment.''

This is the kind of nudging that I have seen Microsoft use over the years; it comes in many forms in my experience, the key indicator being that one tends to be forced marched where Microsoft wants to go today or whenever. Very few companies have the capacity in the marketplace to take a product that stood alone and sold well as such, and then tie its continued currency to buying a full range of .NET specific programming languages as well. I submit that no company should have such power in the marketplace. Aside from the compelled option of having to buy into much of .NET just to get Visual Basic's latest upgrade, there is the not-so-trivial issue of the major cost increase that is involved as well.

Moreover, this bundling move on the part of Microsoft will surely result in .NET applications evolving faster, artificially tending to entrench to a greater degree than otherwise the .NET application framework.

I also feel that one can see Microsoft's control of the marketplace in other respects that the settlement does not address.

Case in point: Once upon a time there existed a whole range of relatively inexpensive tape backup drives that operated off of the floppy cables within desktop personal computers (PCs). Windows 2000 eliminated support for such tape drives, obsoleting users of these devices overnight.

I had two such tape drives in service. One was an HP Colorado 350, the other an Iomega Ditto Max tape drive that was barely two years old. These drives could both operate off of separate controller cards in the PC but they both ended up being unsupported by Microsoft under Windows 2000. In the early days of the PC it tended to be software alone that was obsoleted by version upgrades; now we are seeing a pattern of hardware devices being obsoleted rapidly as well.

I do not believe that it is entirely coincidental that the availability of tape drive support for reasonably priced tape drives in Windows has diminished just as Microsoft introduces optional web-based data storage options. Here is that nudge again.

What seems key here is that Microsoft controls the operating system, which no longer has support for such low-cost tape backup devices built in. The company should not have the power to position consumers to rent subscription (ultimately ''.NET'') storage space for data, by virtue of dropping out low-cost localized backup options, if indeed that is what the firm has been up to here. After all, Microsoft has maintained support in its operating systems for other devices of similar vintage.

Consequently, I suggest that it is especially important for the court to carefully and studiously examine Microsoft's .NET initiative before issuing any final ruling.

Although Microsoft has claimed that the .NET standards broadly adoptable, the key .NET programming tools are clearly proprietary to Microsoft. If past patterns hold, Microsoft will emerge dominant on the Internet with .NET just as it dominated the desktop with Windows.

It has been said by others that .NET is essentially a Windows redo for the Internet; I believe that to be the case and that the court should examine .NET with great care in this context. Microsoft by all accounts is now sitting on mammoth cash reserves, a portion of which surely represent ill-gotten gains from its antitrust practices.

Microsoft is therefore positioned to leverage its dominance of the emergent software-as-service market from a position of strength even greater than in the past.

In this respect as well, the proposed settlement's failure to require Microsoft to publish the source code of its operating systems (and the code for the .NET framework) looms as a glaring omission, as critics have long argued that Microsoft likely builds secret hooks into software code that favor its own products'' operational efficacy.

Any final settlement should require the unconditional, unrestricted, fully public-accessible publishing and web-posting of Microsoft source code, at the very least for all of its operating systems and .NET, past and present.

3. Microsoft was found to have engaged in illegal antitrust practices. My understanding is that there exists a requirement that the party so convicted be deprived of the gains from such activity.

There is nothing in the proposed settlement that suggests any substantive penalty here.

I would suggest that a fair penalty must reflect the removal of some major part of the ill-gotten gains. Perhaps a fair compromise would be to ban Microsoft from proceeding with .NET for a period of some years, and from offering any product definable in any manner as a ''web service,'' or as, ''software-as-a-service'' or anything broadly equivalent for an appropriate period of time as well. Care would have to be taken to prevent Microsoft from simply establishing separate firms, or partnering with other firms in this respect, during any period of prohibition.

To address the gains Microsoft made during past periods of antitrust behavior, some very heavy dollar penalty should also be imposed in my view, in order to reduce the ill-gotten cash reserve that Microsoft has available now to over-leverage future endeavors.

Such a financial penalty should be sufficient to reduce Microsoft's cash assets to

levels similar to other software companies. This would effectively prevent Microsoft from leveraging its massive cash assets and effectively subsidizing its process whereby it funnels both consumers and developers to .NET.

Thank you for affording the public an opportunity to comment at this time.

Keith E. Risler
80 Adelaide Street South, London, ON Canada N5Z 3K5
Wireless: (519) 851–1323
FAX: (630) 214–5568
Email:
kerisler@execulink.com or KeithRisler@alumni.uwo.ca
http://go.to/KeithRisler.com

MTC–00024534

From: ben@stanford.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 1:09pm
Subject: Break microsoft up

Hi, I hope this is the address to which the public should send comments on the Microsoft trial. I would like an effective remedy of Microsoft's monopoly. I really resent how everyone sends me .doc files and I have no way to read them unless I give MS some money.

Thanks.
Ben Escoto

MTC–00024535

From: Laurie Keegan
To: Microsoft ATR
Date: 1/25/02 1:10pm
Subject: Microsoft Settlement

I believe the microsoft proposed Settlement is not a good idea. They are a monopoly hurting small business. Please do not sign on to this horrible proposal and force them to come to a real solution to this problem. Don't allow politics to get in the way of justice!

Thank You,
Laurie J. Keegan

MTC–00024536

From: Geoff Newberry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement lacks strong penalties against Microsoft which is the better beneficiary in the end. Microsoft will continue to conduct its business regardless of the requirements by law to change their monopolistic practices. Your settlement itself lacks ''innovation'', a term Microsoft loosely uses to describe their product line. Another sad day for America if this settlement is approved.

Geoff Newberry
IT Support
(954) 973–2477
(954) 979–4414 Fax
Taylor Made Environmental
2000 N Andrews Ave Ext.
Pompano Beach, FL 33069

MTC–00024537

From: Bryan Maggard
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Relief from Illegal Actions of Microsoft Monopoly

Dear DOJ,

Following the findings of fact in the U.S. v. Microsoft case, which have stood on appeal, my sincere wish is that relief from future illegal actions by this monopoly can be provided by my government, acting through our courts. Please do not give up the fight to protect US from continuing illegal actions simply because the fight will be long and arduous. I believe that the proposed settlement not only establishes, but enshrines the behaviors of Microsoft that have been found to be illegal and have been significant factors leading to their current monopolies (Operating Systems, Office Productivity Software, Web Browsers). I believe that the consequences of the proposed settlement would be to reward the past illegal acts of Microsoft by encouraging Microsoft to behave illegally as they use the power of their current monopolies to leverage and extend into new monopolies in Internet commerce/trade, Internet certification/credentialing, and providing Internet application services. These three examples are potential growth areas where I am afraid we will see strangled competition and Microsoft establishing new monopolies through illegal actions under the proposed settlement of U.S. v. Microsoft.

I wish to see a remedy that will deter (not encourage) future illegal actions by this monopoly. I realize that it may be impossible to restore competition in current monopoly areas because many of the competitors have long since fallen by the wayside. We need to focus on the future where changes can be made.

Very Truly Yours,
Bryan Maggard
J. Bryan Maggard, Ph.D.
Harold Vance Department of Petroleum Engineering
Texas A&M University
College Station, TX 77843–3116
Phone: (979)845–0592 FAX: (979)845–1307

MTC–00024538

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 1:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please continue the economically necessary prosecution against Microsoft. This hasn't gone on long enough. Microsoft has only agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''levelling the playing field'' for Netscape and other Microsoft competitors, with not a nickel going to those grieviously harmed by Microsoft: the computer user. This is another method for states to recover illegally obtained money, and an important 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 prosecute this much delayed and stymied execution of justice more forcefully than has been the case previously. Thank you.

Sincerely,
John McDonald
247 Bancroft
Pacifica, CA 94044

MTC–00024539

From: Hcards707@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:09pm
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,
Louanna Peace
204 Cambridge Sta. Rd.
Louisville, KY 40223

MTC–00024540

From: vitamin@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Microsoft Settlement

Dear Sir & Madame,

I'm writing to register my opinion in the Microsoft anti-trust settlement. The proposed decision is an inadecuate response to the problem posed to the computing & consumer market by Microsoft's business practices. My only request is that your office reconsider the pending decision further to account for the broader interests of the U.S. and global computing market. My experience as a system administrator (maintaining and managing Microsoft products) has given me a different perspective on the issue. If monopoly practices in themselves do not offend your office, perhaps a consideration of the billions of dollars in lost business and personal revenue caused in the last year alone from the insecure products Microsoft has released with their guarantee of security may give you pause. Microsoft behaves like a classic monopoly, and spends more money on public relations than it does on securing their products. Their interest in control of the market and the planned obsolecence of their products (for further future revenue) are contrary to the public interest. Only by breaking their hold on the computing world will competitors be able to force higher standards on them. Again, please register my disapproval with the current proposed settlement. I thank you for your time and your efforts in your service.

Sincerely,
Louis Juska
851 Guerrero St. Apt.10
San Francisco, CA 94110

MTC–00024541

From: Michael Klein
To: Microsoft ATR
Date: 1/25/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft continually breaks the law, and shows no respect for the legal process.

—Michael Klein, 25-year veteran programmer

MTC–00024542

From: AlanLand@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:15pm
Subject: Microsoft settlement

I'm afraid I must agree with Steve Jobs complaint about the proposed settlement for Microsoft in the anti-trust issues. Having Microsoft ''give'' HW and SW to schools is tatamount to ''giving'' Microsoft part of Apple's most loyal customer base. It really doesn't relieve the pressure of monopoly on any of Micosoft's competitors. I had hoped to see a settlement that helped competitors keep their marketshare, not the reverse. Just having Microsoft ''give'' away some of the billions of $$ they made using anti-competitive practices doesn't alleviate the issues in the marketplace, especially if it opens new doors in a competitor's market.

Alan Land
Technical Educator and Engineer
San Diego, CA

MTC–00024543

From: DougMurch@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:16pm
Subject: Microsoft Settlement

I wish to add my comments to the proposed Microsoft Settlement. I am a person who has been heavily involved ever since the mid 1950s with application software development, and am a current user of Microsoft's PC software.

I urge acceptance and implementation of the settlement and an immediate end to the associated litigation. From my experience as a user of software products over almost 50 years, I am convinced that Microsoft has brought far more benefits to mass market PC consumers than has any other software company. Microsoft has been a major force for simplifying products, reducing prices, and bringing order out of chaos in a field where techie, user-unfriendly, expensive products and services run rampant. Microsoft simply understands better than its competitors do what the average consumer wants and needs, and how to satisfy those needs at low cost. The average consumer can use Microsoft's products more easily—without expensive consulting help—than the usually more expensive products of other vendors needed to accomplish the same result. Throughout the 1950s, 1960s and 1970s, computer users spent far more to develop and maintain their software than to buy and maintain their computer hardware. When the PC arrived, it dramatically reduced computer hardware costs. One would have expected the relationship between user software and hardware costs to become even more heavily weighted toward software costs. But thanks almost entirely to Microsoft, the exact reverse happened. Software - both operating systems and applications—now cost much less than PC hardware. This is so in spite of the fact the absolute cost of PC hardware keeps dropping at a delightfully rapid rate.

Those who assert that Microsoft's actions have damaged consumers are simply dead wrong. No such damage has occurred or is likely to occur. Quite to the contrary, enormous consumer benefit has resulted. Microsoft is a leading pro-consumer company of our age. It is with great angst that I have observed federal and state litigation against Microsoft in recent years. There are many who, for their private reasons, would wish this litigation to succeed. But had it succeeded in its original form, it would have severely limited the extent to which Microsoft could further improve its products. That would be extremely hostile to consumer public interests. It would mean that consumers would be forced to deal with more software vendors, pay for more for their software products, and endure costs and frustration of having to coordinate among multiple software vendors. Please, do not let this happen. It is time to end this litigation madness now. The Court should approve the Microsoft Settlement and deny all efforts to expand the scope of the Settlement.

A. Douglas Murch
3 Seton Court
Rancho Mirage, CA 92270

MTC–00024544

From: Benjamin Moser
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:16pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is leaving many doors open to anticompetitive behavior. Microsoft has demonstrated in the past that they will consistently exploit any loopholes in a ruling to continue the very behavior that the intent of the ruling is designed to prevent. There are many excellent information sources on the world wide web detailing various loopholes which Microsoft can and probably will exploit if they are not corrected. This settlement should not be approved in its current form.

Benjamin Moser

MTC–00024545

From: Kevin Swarts
To: Microsoft ATR
Date: 1/25/02 1:15pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

With all due respect, the lawsuit that the Federal Government brought against Microsoft was a tragic waste of time and taxpayer money. Unfortunately the biggest losers in this ordeal have been the economy and technological innovation. I am very pleased that a settlement was reached between Microsoft and many of its adversaries and that it will not be broken up. My division of Smead Manufacturing creates document management software and our success relies on standardization and Microsoft's integrated software design. If Microsoft were to be broken up it would surely jeopardize the standardization of software we depend on, and thus adversely affect our efficiency. The results could be devastating. Anyone who analyzes the settlement will recognize that it is very fair and resolves the government's grievances against Microsoft. If anything, it deals with Microsoft too harshly. First and foremost, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Second, it has agreed to document many of Windows'' protocols that help with interoperability. It also sets up a commission to deal with future problems.

Please finalize this settlement as soon as possible. It is the right thing to do for America.

Kevin M. Swarts
Software Development Manager
Smead Software Solutions
2651 E. Chapman Ave., Suite 201
Fullerton, CA 92831
Phone: (714) 446–6600 ext. 100 Fax: (714) 446–6604

MTC–00024546

From: Marv06@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:15pm
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,
Elam Family
Box 1423
Pearland, TX 77588

MTC–00024547

From: choluk@shelton.wednet.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 1:14pm
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,
Conrad Holuk
732 West Satsop Road
Montesano, WA 98563–9734

MTC–00024548

From: Jordan M. Hirsh
To: Microsoft ATR
Date: 1/25/02 1:17pm
Subject: Microsoft Settlement

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 must be equal to microsofts MSRP for the products bundled with the system, 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. 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.

Jordan Hirsh
1098 B Street
Ashland OR. 97520
541–488–3190

MTC–00024549

From: Aunger, Mitch
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:22pm
Subject: Microsoft Settlement—Don't allow this to happen!

I am shocked that the DOJ can possibly believe that this ''settlement'' is good for anyone except for Microsoft. I'll put it this way—how can you say that Microsoft is a monopoly—and then allow them to expand the monopoly by giving them a bigger hold on the education market? Especially when they give away products that cost them NOTHING to make! I could go on and on, but nobody'd want to read it. I think you get my point. I'm against the current ''settlement''!!!!!!!!!!

Mitch Aunger
1934 Parkridge Ave
Brentwood
MO
63144

MTC–00024550

From: Randy Weinstein
To: Microsoft ATR
Date: 1/25/02 2:38pm
Subject: Microsoft Settlement

the remedies to microsoft's monopoly in this settlement are too weak. more must be done to restore competition in the industry.

MTC–00024551

From: Ruth Carver
To: Microsoft ATR
Date: 1/25/02 1:23pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft Antitrust case is far too favorable to Microsoft and does not go far enough in punishing Microsoft for past behavior not does it contain terms strong enough to prevent a reoccurrence of the type of behavior that cause the Government to bring the suit in the first instance. In particular the school settlement provision is a boon for Microsoft.

Ruth Carver

MTC–00024552

From: Allan Baruz
To: Microsoft ATR,ASKDOJ
Date: 1/25/02 1:24pm
Subject: Microsoft Settlement

Dear Ms Hesse,

The proposed settlement is no remedy for the proven monopolistic behavior of Microsoft as found in the statement of fact. If you believe that corporate wrongdoers should be held accountable for their actions; if you believe that that accountability should be commensurate with the wrong done; if you are a Democrat who believes that the public interest should be protected from ravening corporations; if you are a Republican who believes that corporations should compete on a field free of bullying and threats; if you believe that the future of software, computing, technology, media, and even business should not be left in the hands of the specimen that has consistently shown the worst behavior in each of these fields; if you are at all a moral, ethical, or even self-interested being; you will find that the proposed settlement is no remedy to Microsoft???s monopolistic behavior. As a programmer, I find it most disturbing that the proposed final judgment does not lower the applications barrier to entry in terms of either undocumented file formats or undocumented APIs, for corporations or non-profit organizations. The arrogance of Microsoft speaks of disrespect for its customers, its competitors, and the government which tries to keep a level playing field between them. Please amend the proposal in a manner consistent with the fair application of law—Microsoft must be shown that they are not above the law.

Allan

MTC–00024553

From: Job7@bright.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:23pm
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,
Frank Ca;enda
5147 N Countyline Rd
Marion, OH 43302–9718

MTC–00024554

From: Jamie
To: Microsoft ATR
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement

Dear Department of Justice Folks,

I'm writing to add another voice to the chorus against the proposed Microsoft settlement. It appears to reward Microsoft for years of criminal and predatory practices that have damaged and eliminated innovative competitors and limited consumer choice. Good technologies have been lost, standards have been hijacked into a proprietary fiefdom, consumer choice has been diminished and we now have an industry dominated by a company, Microsoft, that has a history of winning through intimidation rather than through merit. Microsoft's much ballyhooed ''freedom to innovate'' seems to really mean ''freedom to intimidate.'' They continue to use their monopoly position to move into other markets by forcing others out or simply buying out other companies using their huge stash of ill-gotten gains. It seems to me your case has been too narrowly focused on only a few of the abuses, and even at that, the currently proposed remedy does not have sufficient teeth to prevent further such abuses in the future. It basically tells the world that, in our country, justice is about having money and influence.

As a consumer and as a software developer I am appalled at the limited choices and poor state of technology in the operating systems market as now dominated by Microsoft. I mourn for better technologies that have been eliminated along the way, such as the Amiga and BeOS. I am alarmed at the prospect of Microsoft's philosophy of bullying and mediocrity taking over other markets in technology, commerce, media and the internet itself, all leveraged illegally off of their desktop monopoly. If we are going to have an effective government by and for the

people, it behooves us to make every attempt to keep our corporations under our control as a nation, rather than vice versa. If we want a vibrant competitive marketplace that helps us lead the world in technology, commerce and real innovation, we cannot afford to let Microsoft's criminal abuses go essentially unpunished nor can we afford to let these sorts of abuses continue. If we want our economy to thrive we need to unleash real competition.

Best Regards,
Jamie Krutz

MTC–00024555

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement

It is high time all legal litigation be put to rest. The people now need to get on with the need for building back their ''nest eggs'' this is not necessary. Any more of this kind of court battle needs to be nipped in he bud. It is clearly a waste of money which everyone needs. Stop this now!!

L.B. Stuart

MTC–00024556

From: Devon E Bowen
To: Microsoft ATR
Date: 1/25/02 1:28pm
Subject: microsoft case

I am writing to express my concern over the recent proposed settlement to the Microsoft case. My understanding is that the settlement involves allowing Microsoft to ''repent'' by donating large amounts of software to schools. Honestly, it is hard to believe this settlement is even being considered. It should be clear to anyone that allowing Microsoft to further spread themselves—especially to youths in a state sponsored educational system— will only serve to extend their monopoly. Education is one of the few areas where truly innovative competitors like Apple still have a reasonable share of the market. Please reject this settlement to the Microsoft case. It is bad for the public, bad for the industry, bad for innovation in general. The only one that will benefit is Microsoft. And aren't they supposed to be being punished?

Devon

MTC–00024557

From: Carnduff, John
To: Microsoft ATR
Date: 1/25/02 1:29pm
Subject: Microsoft Settlement

Input into the settlement process: Navantis, a independent software developer, and our customers are exasperated by the ongoing DOJ issues with Microsoft. This issue and other related legal efforts by competitors run counter to the principles of a free market and in our view are an attempt to distract Microsoft from focusing on developing innovative products and on operating its business. These tactics negatively affect us as well as Microsoft customers. We do not sense that Microsoft customers and partners believe Microsoft is acting inappropriately; we believe that competitors are using unfair tactics to impede Microsoft efforts to satisfy customers instead of directing energy into improving their products, services and marketing messaging. We actively support Microsoft and pass these comments forward as input into the settlement process.

John Carnduff
Executive Vice President
Chief Strategy Officer
Navantis Inc.
21 Randolph Ave., Suite 300
Toronto ON, M6P 4G4
t: 416.532.5554 x271
f: 416.583.4937

MTC–00024558

From: Glenn Shuster
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Microsoft has been through enough letter

Dear ATG Ashcroft, While you have many matters before you, I feel strongly enough about this one to add to your office's burdens. Please end the intercine warfare between the economic leaders of the United States and the government thereof.

Very Truly Yours,
Glenn Shuster

MTC–00024559

From: Edlund, Paul
To: Microsoft ATR
Date: 1/25/02 1:29pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The settlement reached between Microsoft and the Department of Justice will be beneficial for the IT industry and the economy during this difficult time. The antitrust suit may not have directly affected my IT-based business, but it does not mean that it did not have an adverse affect on businesses across the nation. The settlement is designed to provide a guide for good business practice. The settlement promises to provide consumers with more choices, and compensates the so-called losses of Microsoft competitors. Microsoft has agreed to license out its Windows operating system to the 20 largest computer makers on equal terms and conditions. The settlement also instructs Microsoft to provide its competitors with information regarding the various interfaces of Windows. This will lead to better software, at lower prices overall. I strongly recommend that you decide to finalize this settlement so things in the technology sector get back to usual. The usual of the technology sector should be innovation, not litigation.

Sincerely,
Paul Edlund
Quest Technologies

MTC–00024560

From: Job7@bright.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:27pm
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,
Frank Calenda
5147 N Countyline Rd
Marion, OH 43302–9718

MTC–00024561

From: kfmiers@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:26pm
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,
kelly miers
1011 hewitt avenue
everett, WA 98201

MTC–00024562

From: baatman74@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:25pm
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,
Virgil Cottongim
3090 64th St SW
Naples, FL 34105–7300

MTC–00024563

From: Jarred Fehr
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement
Hello,
I have reviewed much of the proposed DOJ settlement with Microsoft and I must say that it is not adequate. I lack the time to go through all the points I have problems with, however I am sure many others will point them out. I can only say that I hope that my government representatives will uphold this nations belief of a government ''for the people, by the people'' and not ''for the corporations, by the lobbyists.'' Please do not approve any settlement without further review and stronger enforcement.
Thank you,
Jarred Fehr
PC Coordinator
Peachtree Business Products
Marietta, Georgia
678–819–1825

MTC–00024564

From: Boyle, Kevin
To: Microsoft ATR
Date: 1/25/02 1:30pm
Subject: microsoft settlement
To: Renata B. Hesse,
Antitrust Division
Dear Renata,
I object to the current settlement that Microsoft is offering. They are promising to open up their operating system to all and at the same time promising to specialize in security. Their security measures will force every software developer to use their ''secure'' applications which creates another monopolistic situation. Please reject the currect offering infavor of a truly workable solution, ie. dismemberment or restrict Microsoft's available markets.
Thank you,
Kevin Boyle
Systems Engineer
Diebold, Inc.

MTC–00024565

From: Gary Shade
To: Microsoft ATR
Date: 1/25/02 1:28pm
Subject: Microsoft Settlement
microsoft.atr@usdoj.gov Microsoft Settlement
Hello,
The settlement offered by the Bush administration and some states was not in the public interest. The antitrust case involved abuse of monopoly power by releasing the Windows operating system with the Internet Explorer browser embedded into the operating system. The remedies offered by the Bush administration do not address the nature of the case, and would only serve to further reduce competition in the schools, one of the last remaining venues where competing software can still be found. Any sound remedy should separate the Internet Explorer browser from the operating system. The remaining states that refuse to settle stress this point. Each time the government allows Microsoft to release another version of Windows with the Internet Explorer browser embedded into the operating system, the monopoly path is entrenched further. Make the remedy be an actual remedy to the facts of the case.
Sincerely,
Gary Shade
US Citizen and software consumer

MTC–00024566

From: Robert Eugene Wood
To: Microsoft ATR
Date: 1/25/02 1:30pm
Subject: Microsoft Settlement
The following document is an electronic version of a document faxed to your office on 25 Jan 2002. It is unchanged from the Faxed version.
Robert Wood
117 Gibbon Drive.
Harvest, AL 35757
25 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:
The following document is a brief objection to the terms of the proposed settlements to Civil Action No. 98–1232 and 98–1233. It is being sent on 25 January 2002 both as a signed FAX (202–616–9937 or 202–307–1454) and as an e-mail message (microsoft.atr@usdoj.gov) to aid in any transcription that might take place. As a defense engineer whose work has been associated with Information Technology for the past 15 years, I have witnessed the damage done by the monopolistic activities of the Microsoft Corporation. I am concerned that if these activities are allowed to continue (and the proposed settlement does not seem to do anything to curb these practices) the company will continue to squeeze out competing operating systems and ISVs until there are no practical alternatives to the Microsoft products. For the sake of innovation, competition, and security we need viable alternatives for operating systems and applications that have been developed independently of Microsoft's codebase. The high numbers of macro viruses (both in documents and e-mail attachments) as well as the recent IIS worms demonstrates the danger of widespread adoption of a single product. With healthy competition, there are enough alternative products that it is impossible to attack them all since they will have different weaknesses. Paragraph III.J of the proposed settlement is especially troubling, since the argument can be made that any component of a Communications Protocol has the potential to ''compromise the security of a particular installation or group of installations...'' Considering that Microsoft has recently announced that they are finally going to ''make security its first priority,'' I believe that this section will be used to withhold any useful data from release. I recognize the positive aspects of Microsoft's role as the dominant provider of Intel Operating system software, middleware, and applications. The software industry can benefit from the leadership of one entity who has the power and resources to introduce new technologies. Unfortunately, I have seen Microsoft's dominance increasingly used to force alternative products and approaches out of the marketplace. For example, in my organization, no alternative to Microsoft Word is considered by management because it is presumed that no other product can read/write Word formatted text files perfectly. Even those products that currently do a good job on Word file reading/writing are not guaranteed to be able to continue to be able to keep up with the changes to the largely undocumented Word format. The documentation of the modifications Microsoft made to the widely-accepted Kerberos authentication protocol was distributed under a restrictive license designed to prevent the information about the changes to an open standard to be used to create compatible software. This is a disturbing trend. The proposed settlement does not appear to do anything to curb the monopolistic practices of Microsoft. It appears, in fact, to simply formalize them and allow the company to continue its practices with little interference. It does not touch on some of the most commonly used Barriers to Entry that the company puts up to discourage competition such as document formats and changing communications protocols. The proposed settlement appears to set up a system where any potential competitor is relegated to the role of a Microsoft Developer (MSDN is explicitly mentioned as a delivery medium for some of the information) rather than a competitor. It is difficult to compete in an environment where you can not get necessary information on a product until it is almost ready for release. Quality software demands extensive testing in addition to basic development time and if the required information is only released ''no later than the last major beta release,'' then by the time a competitor's product can be finished and tested, the Microsoft product would have long since been deployed.

In the interests of competition, security, and interoperability, Microsoft should be compelled to develop and deploy those protocols required for communication and authentication in cooperation with an appropriate standards body for the widest possible examination and testing. The standards body could then properly oversee the distribution of the protocol to ensure that competitor's software is truly interoperable with the Microsoft product as well as ensuring that competing products do not introduce incompatibilities with the Microsoft product. Microsoft should be compelled to disclose upfront which elements of a new and existing API, Communications Protocol, or Middleware product are covered by the company's own or licensed intellectual property as a part of this standards acceptance process. The result would be a set of protocols that benefit from community involvement and more extensive security testing than Microsoft is capable of on its own.

Sincerely,
Robert Wood

MTC–00024567

From: ray@greeble.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:31pm
Subject: Microsoft Settlement

Microsoft has put forth a very good proposal that will benefit the country in many ways. Please end this waste of money and time quickly, keeping Microsoft in tact.

MTC–00024568

From: Nate Clark
To: Microsoft ATR,ntclark@attglobal.net@inetgw
Date: 1/25/02 1:32pm
Subject: Microsoft Settlement January 25, 2002 re: Public comments; US VS Microsoft Coporation

To Whom it may concern:

This e-mail is in response to the request for public comments on the case of the U.S. VS Microsoft. My major concern is that those responsible for assessing the extent of the damages to the US consumers, businesses, and general technology environment are fully aware of the breadth of the damage that has been caused by Microsoft's actions.

I watched a US official commenting on Microsoft's actions as he acknowledged the fact that Microsoft's actions were in fact unjust and plain wrong, but went on to say that afterall, Microsoft's superior implementation of software technology produced a browser that was much better than the competition—mainly, the Netscape Browser. The very important point missed by this official is that—It IS NOT About the quality of or any aspect of the browsers that have come out of the respective companies in the last few years. Indeed it is not about internet browsing at all !! Please remember that what Microsoft did to bury Netscape was NOT driven by the potential sales of browsers—Free or not, this was not Microsoft's goal. The record states clearly that Netscape was attempting to build a platform and operating system independent environment within which ANY company could develop applications, or any other type of software, REGARDLESS of where their customers buy their computer or operating system. The browser would have been just a minor stepping stone along. As a product, even today many years later, the browser is nothing. It was the intent of the technology that Netscape wanted to develop, the browser being just the first manifestation of this technology, that we NOW DO NOT HAVE.

Netscape saw the opportunity to free the US consumer from the predatory pricing of proprietary computer hardware and software that had been the norm up to and at the start of the small computer revolution. Because of this, Netscape wanted to develop a way for Open Systems software development to work. This is NOT Open Source or free software development, this IS that any company anywhere could write software and compete in a fair marketplace on the merits of its good ideas, excellent qualifications, and better implementation.

What Microsoft did to prevent Netscape from bringing this concept to fruition has been EXTREMELY damaging to the current state of technology in the very real sense that had this not happened, we would now be much further advanced in the ubiquitous integration of computer technology into our society. My personal feeling is that we are at least a decade behind where we ought to be in terms of the extremely powerful and mature use of computer technology. For example, we are seeing more and more powerful supercomputer class equipment, yet it is still in the hands of specialty laboraties. I believe that by this time, these types of machines would have become available to even small businesses; had those that produce software for such systems had the opportunity to supply those solutions to the small systems platforms through the (would have been) open systems nature of the technology. In the original findings of fact against Microsoft, I refer to the often mentioned ''Applications Barrier to Entry'' which describes the wall, if you will, that Microsoft knowingly and vicously constructed to prevent, or at least delay, other technology companies from playing in the windows game IF they also wanted to target other computer platforms and markets. It has become very clear that it is absolutely NOT possible for software companies to provide multi-platform applications at the single-platform development cost. Why should Microsoft be allowed to so wantanly manipulate the market place such that this is the case ? Unbelievably, companies utilizing Microsoft's version of Java, a language whose basis is that it will help to ensure products can be cross-platform, found out too late that Microsoft had even knowingly placed barriers to cross-platform implementation within that tool. Providing the explanation that these were ''enhancements'' to the Java environment while trapping developers which may very well have been otherwise successful in an Apple or Linux market. I reiterate my most important point. It is absolutely crucial that those considering the level of punishment Microsoft should recieve MUST understand the impact the company's actions have had on our society from the DEEPEST technical perspective. It is absolutely not true that the consumer has come out all right through what Microsoft has done. 1) In the absence of Microsoft's actions, we would be much more advanced technologically than we are now. It is not in any way true that the brightest technology minds just happened to be at Microsoft over the last 2 decades. And 2) Microsoft's software is not nearly the best there has been or could have been developed. Frankly we have missed what could have been astounding innovation over the last decade at least. Microsoft's software is by no means the best that we could have achieved by this point. As amazing as this technology, and some of the software (including Microsoft's) we've seen come out of it is, I want those who think Microsoft has provided us with some nirvana in software power and sophistication, even without choice, to consider the difference in software between now and even 6 years ago. I contend that the chasm between features and functionality over that time frame would be twice the size today. I contend that Microsoft has kept us from getting there.

Sincerely,
Nathan Clark
625 Popes Valley Dr
Colorado Springs, CO 80919
(719) 265–5191

MTC–00024569

From: Wayne Cater
To: Microsoft ATR
Date: 1/25/02 1:31pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

My name is Wayne Cater. I am a 34 year old computer programmer. Over the past 12+ years I have been fortunate enough to work in the computer field. I have a diverse background of experiences, but as most of the world I have largely made my living writing software that runs on the Microsoft Windows platforms. When the antitrust suite first came up, I supported Microsoft. Then I had a perspective change. I personally don't live in one of the ''high technical meccas'' of our great land, but I realized that many of the small businesses that used to be around are gone largely because Microsoft decided to include very similar products as part of the Operating System installation. I thought about my family budget. To cut costs and save money, I would take a free package over a purchasable one in most cases. A little late, but better than never—I have realized that Microsoft's actions have stifled creativity in the market. Yes, a larger number of folks are enjoying the functionality / possibilities of the Personal Computer, but revenue that could have been more diversly dispensed across the market and country, has gone into one coffer—Microsoft's Account.

My perspective change has caused me to largely take action. I am moving to Linux desktop product development and to non Microsoft Web based development. While this is not a quick, nor easy move, I am willing to risk the time to prove that it will be better in the long run. My one recommendation would be to force Microsoft to pay for hardware for poor schools and to set up an account in which money could be given to school districts to purchase operating systems and software packages that it would prefer. Please consider my recommendation.

Respectfully,
Wayne

MTC–00024570

From: Ray Ross
To: Microsoft ATR
Date: 1/25/02 1:38pm
Subject: Microsoft Settlement

I don't like the proposed Settlement. Giving Microsoft software to schools costs Microsoft little, and further increases their monopoly. I think they should be required to pay a large cash penalty that the schools can then use to buy what computer equipment and software that they (the schools) see fit.

Thank you,
Raymond Ross

MTC–00024572

From: Buckeyeswede@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:33pm
Subject: Microsoft Settlement C/O Renata Hesse, Esq

Thank you MS Hesse for allowing me to respond to the above settlement. I had the opportunity in the mid 60's to be involved with the startup of a small software/hardware company in Sunnyvale California. We had a tough time getting the company going and had encounters with larger companies who were trying to defeat our company's mission of being the best in the market. We fought back and we eventually grew strong and became the leader in the industry. We received a good offer from a major organization after our sales were in excess of $100 million per year. That is why I defend the free marketplace. The issue here is similar, but only larger in scope. Messieurs Gates and Allen together with a good support team have build a wonderful company that addresses the marketplace. The marketplace is the key issue here with Microsoft. They know the market and the market likes and trusts their product and support line. Sure there is good competition, but it has to remain fair and not negative in its actions. It appears to me that some of their competitors did not analyze the market in enough detail. Therefore, they did not get the market share that they had hoped for in their business model. The settlement is fair and I trust your department will uphold the settlement agreement.

Thank you for your attention to my notes.

Carl E. Holmberg

MTC–00024573

From: Ryan—MacDonald@allianzlife.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:37pm
Subject: Microsoft Settlement

This is a bad deal for everyone but Microsoft. Please don't let them get away with this.

Thank You for your time,
Ryan MacDoanld
Excelsior, MN 55331

MTC–00024574

From: Jay Chu
To: Microsoft ATR
Date: 1/25/02 1:20pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
January 25, 2002
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that the antitrust suit against Microsoft has reached a settlement as of November 2001. It is my opinion that this settlement should be full and final. One of the biggest complaints from Microsoft's competitors was that the Windows product had a complete monopoly within the computer makers industry. This settlement allows computer makers free reign over which software they choose without reprisals from Microsoft if a competitors product is chosen. I think that this fully addresses this issue fully. It is time to bring this antitrust case to an end. Microsoft has offered good terms to its competitors and to the government. There can be no reason to prolong this case any further. Thank you.

Sincerely,

Paojeh Chu
President
J Chu Consulting Inc.
329 E Beech Drive
Schaumburg, IL. 60193
(Tel) 847–891–3997
(Fax) 847–891–8857

MTC–00024576

From: Darren Blaser
To: Microsoft ATR
Date: 1/25/02 1:22pm
Subject: Proposed MS DOJ Settlement

A quick recap of events:

(1) Microsoft begins breaking the antitrust laws.

(2) After a legal spat with the government we get the Consent Decree.

(3) Microsoft abuses the antitrust laws in worse ways than before the consent decree.

(4) Microsoft (a repeat offender now) is convicted in court of breaking several antitrust laws (things seem to be getting worse not better) Now here we are discussing a ''settlement agreement'' for which there are absolutely no penalties associated with the actual convictions mentioned in item 4, and the thrust of the agreement seems to be: ''The previous consent decree seemed to work really well before, lets try and do something just like it again.'' At least now I understand why my college law professor claimed that our legal system is not about justice, and that it will never provide a just settlement between a ''large ruthless entity''(think Microsoft) and a ''smaller kinder entity''(think DOJ). The US Government has always been considered the big kid on the block up to now, and as a result our society has enjoyed the benefits of the rule of law generally. It sadens me to think what the future will bring now that one company has demonstrated that the government is no longer the big kid on the block and there are others out there who can ride rough shod over the government's law if they please.

Truely a sad day for the United States. . .

Darren Blaser
5777 N Meeker Ave
Boise, ID 83713

MTC–00024577

From: rlott@insolwwb.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:31pm
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,
Rick Lott
1303 Dupwe Dr.
Jonesboro, AR 72401

MTC–00024578

From: Jonathan Kurtzman
To: Microsoft ATR
Date: 1/25/02 1:35pm
Subject: Microsoft Settlement

Microsoft uses its control over the operating system to lock out competition by (a) preventing competitors from having the same access to the operating system as Microsoft applications have and (b) absorbing promising competitive fields into the operating system. The former means that such applications as Microsoft Office have significant competitive advantages. The latter means that potential competitors are deterred from entering into markets that Microsoft may then absorb.

Both of these are wrong.

MTC–00024579

From: Rod Hauser
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Dear Sir or Madam,

Dear Sir or Madam,

I am writing to protest the current ruling on the Microsoft AntiTrust case. I am a registered voter, taxpayer and citizen of these fine United States. You may verify my identity if you need to:

Rod Hauser
1748 Scenic Meadows Drive
Imperial, MO 63052
636–464–0321

As a professional with more than ten years of experience in the Information Technology field, I have firsthand experience with the problems that Microsoft has caused the consumer, and their support staff. I have supported teachers and students in the K12 public school system, and have performed purchasing and license compliance functions in that same role. The monopolistic behaviors of Microsoft have been significant, and they continue to make software that is not only proprietary, but that does not allow fair competition, one of the tenets of this country. This monopolistic behavior is extensively documented, and I was in favor of the initial ruling against Microsoft. The overturning of that ruling is an abomination, a sign to the American public that the golden rule is very much in effect, and that Microsoft can purchase a ruling with expensive lawyers and big campaign contributions.

Please review the appeal, and take whatever steps are required to force Microsoft to *actually* stop acting like a monopoly, not so simply *say* that they will.

Thank you.

Sincerely,
Rod Hauser
CISSP, St Louis Missouri

MTC–00024580

From: mlhull99@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:32pm
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,
Marie Kuzma
77 Worth Ave
Hamden, CT 06518

MTC–00024581

From: ringme16@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:33pm
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 keefer
1211 1/2 guerrero st
san francisco, CA 94110

MTC–00024582

From: Russell Harding
To: Microsoft ATR
Date: 1/25/02 1:36pm
Subject: Microsft Settlement

To Whom it May Concern,

I am writing regarding the proposed settlement between the U.S. Dept. Of Justice and Microsoft Corporation. I feel as a citizen of the United States, that my best interests are not represented in this settlement. I strongly disagree with the proposed terms of this settlement. I encourage the Dept. Of Justice to reconsider their actions, and let the case be decided by a competent judge, rather than settled out of court.

Sincerely,
Russell Harding
Boulder, Colorado

MTC–00024583

From: jeff garland
To: Microsoft ATR
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement

Hello,

I am a teacher. I try to teach students good values by example and by punishment when necessary. Letting MS get away with their idea of an adequate settlement undermines our efforts to produce good citizens. That is the most important reason for devising a punishment that does not serve MS interests. The whole company ethic disgusts me.

Sincerely, Jeff Garland
Jeff Garland
Science Department
South Eugene HS
541–687–3116
400 East 19th Avenue
Eugene, OR 97401

MTC–00024584

From: Lars Johansson
To: Microsoft ATR
Date: 1/25/02 1:36pm
Subject: Microsoft Settlement

BlankGentlemen: The current Microsoft case is about providing a fair opportunity for all to compete on a level playing field. A federal district court and the District of Columbia Court of Appeals both determined that Microsoft broke the law by illegally maintaining its monopoly in computer operating systems and applications. When a monopolist abuses its position of power to choke off competition by its rivals, it is not only bad for consumers, competing businesses, and the market place, it is also illegal. The United States Department of Justice has proposed a settlement. This letter is written pursuant to federal law which requires the Court to take public comment on the settlement to determine whether approval of the settlement should be granted. The determination shall be based on whether the settlement is in the public interest. The proposed settlement stipulates in part that Microsoft will provide a certain amount of computer hardware and applications to schools. Unfortunately this ''penalty'' will only strengthen Microsoft's monopoly in the long run. Expressed in the simplest of terms, the proposed settlement is no different than putting the fox in charge of the hen house. As further elaborated upon below it is my opinion that the settlement is not in the public interest and, therefore, it should be rejected. The consumer must be given a free choice to purchase hardware, operating systems, and applications commensurate with his real needs rather than needs perceived and dictated by Microsoft. By opening up the market place to competition the consumer will be assured that the cost of software goes down and that its reliability increases. In fact, software at least equal to that now bundled into the Windows operating system is readily available in the market place for a fraction of the cost Microsoft charges. Let me provide two examples of the costly dilemma an individual user such as myself can be forced into as a result of Microsoft's abuse of power, and which will not be corrected in the proposed settlement:

(1) Two years ago I attempted to buy a lap top computer to be used as a navigational and radio communication aid on my boat during long offshore passages. Needless to say, I had no intention to make my navigation station into an entertainment center, nor did I have any desire to use up valuable space on my hard drive, intended primarily for chart storage, for applications such as word processing, spreadsheet programs, browsers, etc. Considering reliability and service I approached several of the major vendors, such as Dell, Compaq and Gateway, about buying a computer with only the Windows 98 operating system installed. The companies I contacted did not even have the courtesy of providing a response. In fact, they were most likely prohibited from meeting my requirements under their exclusive agreements imposed by Microsoft. I ended up buying a lesser known brand.

(2) For home use I have used Lotus Products during many years. Although a few years old this software is more than adequate for my purposes and will meet my requirements for many years to come. I have also developed extensive spreadsheet programs in Lotus 1–2–3 97 which I use daily and which would take weeks to adapt to Excel. It follows that if I were to buy a new home computer today I would be forced to pay for a range of Microsoft applications which I have no use for, and which I would most certainly delete immediately.

In summary, I recognize that Windows is the operating system of choice for nearly all computer users. However the market place must be opened up to competition in order to to achieve the goals outlined above. Microsoft must be forced to:

(a) discontinue ''bundling'' of unrelated applications into its Windows operating system, and b) allow the computer manufacturers to pre-load applications of the consumer's choice, if any. Needless to say, this second requirement may require monitoring of the computer manufacturers as well.

Sincerely, Lars Johansson 246 La Pera Circle

Danville, CA 94526–3025 39

MTC–00024585

From: tomkeyes
To: Microsoft ATR
Date: 1/25/02 1:34pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I encourage you to settle the Microsoft lawsuits in the quickest way possible. The current settlement being considered by several states and the Department of Justice seems to be the most efficient means of disposing of this suit. I am an experienced small business user of computer products. I have used at least 10 different operating systems on different computer brands in the last 20 plus years. Microsoft is the oly company that delivered a continually improving mostly effective operating system during that time. Its continual inclusion in the operating system of tools developed by itself and third parties to solve certain problems has been an absolute boon to consumers. You are faced with political contributions and legislative pressure to

make life easier for certain competing firms. Complaints abound that access is not simple. You isolate on the inclusion of the browser. Why did you not initiate action when the various fonts were included in the operating system? The use of third party fonts, and bit maps was a real pain by the consumer. Today, I seldom think about them. They are part of the utility. I never used a browser until it became part of the system. Then the browser helped me, the consumer. Now, at the instance of businesses that could not maintain a lead over a utility that Microsoft made part of the system, you are interfering in areas of technical development that is beneficial to the consumer, and to the economy.

I have much more I can say in support of settlement being considered. Like, why did you not help when we consumers were faced with the fraudulent sales of systems that promised ''we can do that'' when they could not. I was once told a system could perform some simple accounting functions. It could not even line up the decimal points. I asked government organizations for help. I was told that I should have performed better due diligence, and that it was a contract problem. Now that we have a system that works, you want to limit it. From a consumers perspective, you have picked the wrong target. You should have gone after the various UNIX developers for failing to maintain a uniform system when fragmentation kept consumer prices higher and increased costs of transferring data from system to system. Instead, you go after a working system that continually decreases consumer costs. Nuts!! I told the MN Attorney General that I would organize voters against him in future elections when he joined the suit. I did. He lost. ??0024585—0002 I thought Gore was part of the decision to proceed with the suit, so I organized as many votes against him as I could. I will continue to organize the few voters I know against those that continue to pursue this Microsoft suit until the economic decisions are back into the hands of the consumer economists. We know that a continually improving product at a continually lower price is important. Some folks do not seem to understand that. Settle the suit. Tom Keyes, #262 2650 W. Union Hills Drive
Phoenix, AZ 85027

MTC–00024586

From: srcontracting@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:34pm
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,
Harry Rembe
96 Ryan's Way
Hoschton, GA 30548

MTC–00024587

From: jlgrdnr@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:34pm
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,
Jerry Gardner
1023 McMahan Ave
Nashville, TN 37216

MTC–00024588

From: Barry Tolnas
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I think the settlement proposed will have little impact in correcting the monopoly powers that Microsoft has been found by several courts to possess and exercise. Please try to do what is right for the people. Ultimately that is what will help business the most in the long run as well.
Barry Tolnas
213 Rogers St. NW
Olympia, WA 98502

MTC–00024589

From: Graham Metcalfe
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:37pm
Subject: Microsoft Settlement

Under no circumstances should the DOJ settle with Microsoft in any way which would allow them to increase their market share. This would certainly include any proposals which would create a government ''sanction'' in allowing them to dramatically increase marketshare in areas where they are historically not the dominant player. In specific, direct grants of software/hardware systems to K-12 and higher education institutions would help them increase marketshare in an area where use of other operating systems (mainly Macintosh and Linux) have a dominant role.
Graham Metcalfe
Creative Strategist/Senior Architect
(707)780–1709
multimedialive
625 Second Street
Petaluma, CA 94952
(707)773–3434

MTC–00024590

From: TURCOFE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:39pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft: As a Microsoft user and stockholder (only 100 shares), I have followed with interest this ongoing anti-trust case for the past few years. I must say I was heartened when it seemed to be reaching final resolution. But, like many other disputes, it seems to be taking on a life of its own, with some groups unwilling to accept the resolution that both the U.S. Government and Microsoft have agreed upon. I feel that Microsoft is a strong, innovative leader in the computer industry and that the growth of its company has been very positive for the employment picture in the Seattle area and elsewhere. It seems to me that the beginning of the downtrend of technology stocks in the Nasdaq correlates to the beginning of the Microsoft anti-trust suit approximately 2 1/2 years ago. Conversely, seeing a true end to this conflict could bring a much-needed rally to that segment of our economy. I have always felt that Microsoft's competitors saw a chance to weaken a strong competitor by crying ''monopoly'', and, had they spent the time improving their own products over the past few years that they have spent accusing Microsoft, there would be no possibility of monopoly by anyone in the computer/software industry. I believe Microsoft has agreed to the terms of the settlement proposed by the U.S. Government. It seems they are trying to act in good faith. Hopefully we can close the book on this litigation and move forward. As a country, we seem to have many, many more serious problems to deal with in 2002.

Thank you for your kind attention to this matter.
Frances Turco
1065 Rockefeller Drive
Sunnyvale, CA 94087

MTC–00024591

From: Shmuel (Seymour J.) Metz
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is not in the public interest for several reasons. First, Microsoft was violating the consent decree that it negotiated with Ann Bingamon almost from the moment the ink was dry. There is no reason to expect better compliance with a new consent decree. Second, the propsed agreement does nothing to alleviate or redress the harm that Microsoft's illegal conduct has caused and continues to cause to users of, e.g., Linux, OS/2. Third, the proposed agreement diverts penalties into advertising for Microsoft. Providing free Microsoft products to the schools would only exacerbate the harm that it's anticompetitive practises have cause to

developers and vendors of competitive products. I am a longtime user of the operating system OS/2, and expect to be a user of the operating system Linux. When I buy a PC, I neither need nor want a copy of Windows. However, Microsoft has used its economic power to force dealers to sign contracts under which the dealers must pay Microsoft a license fee for every computer sold. Those dealers, of course, pass the cost on to their customers, and Microsoft has consistently refused to pay any refunds to those customers. I believe that in order to be in the public interest and to satisfy the intent of the law, any settlement must include the following elements:

1. Require refunds to everyone who has purchased a PC from a dealer who bundled Microsoft products, unless the customer is using those products.

2. Require penalties to be paid to developers on competitive applications and operating systems

3. Require separation of Microsoft into independent hardware, applications, network and operating systems companies.

4. Require publication of all current and future proprietary file formats, communications protocols, etc. and a free perpetual license for their use.

5. Require the divested companies to provide interface data to their competitors at least 6 months prior to providing them to other Microsoft companies. There should be periodic review to determine whether to adjust the length of the interval.

6. Require the applications companies to release new versions of its application for non-microsoft platforms, and require that all new features be available on competitive platforms for at least 6 months prior to making them available on microsoft platforms. As with item 5, there should be periodic reviews.

7. Impose substantial fines.

8. Require providing non-microsoft applications and operating systems to the schools.

9. Prohibit providing microsoft applications and operating systems to the schools.

10. Prohibit any contract with a hardware vendor that requires or encourages bundling of microsoft products.

11. Require the hardware company to develop drivers for non-Microsoft platforms, and require that all new features be available on competitive platforms for at least 6 months prior to making them available on microsoft platforms. As with item 5, there should be periodic reviews.

Shmuel (Seymour J.) Metz, SysProg and JOAT
Atid/2
Team OS/2
Team PL/I

MTC–00024592

From: Johnnie Douglas Muse
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Proposed Microsoft Settlement—Hell No

What a joke. Microsoft would be getting over on the DOJ COMPLETELY if this settlement is allowed to go forward as it is now. This would completely defeat the judgment of monopoly against this arrogant corporation. Please, for the sake of the educational consumer market, do not allow this sneaky attempt to saturate the education market by Microsoft with their shoddy software and the inferior hardware that it runs on. It will only increase the recipient school's expenses in the long run as these computers and the Windows operating system is very problematic and requires more technical assistance and maintenance than systems based on the Mac OS or Linux.

Thank you for your consideration of this viewpoint.

Sincerely John Muse

MTC–00024593

From: Raphael Fleishman
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232). I believe the settlement is unfair as it will not serve to end Microsoft's unlawful conduct and does not adequately protect competitors, VARs, and OEMs against retaliatory or future anti-competitive action by Microsoft. The spirit of the Sherman Antitrust Act, particularly those clauses of which Microsoft was convicted of violating, is to protect consumers by protecting competition. I believe the burden rests on Microsoft to prove to the courts that adequate anti-monopolist protection is being provided. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,
Raphael Fleishman
Stanford University
Beckman Center B403
Stanford, CA, 94305–5307
650–723–4025

MTC–00024594

From: meltondm@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:38pm
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,
Dawn Melton
CWU
Ellensburg, WA 98926–7875

MTC–00024595

From: Phipps, James B SWG
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:38pm
Subject: Microsoft Settlement

The Microsft Corp provides a service with the products that they offer, however they are monopoly in every sense of the word. They use a variety of tactics to ensure their position in the business. Without question the Government should look at the AT&T Break up as a reliable model in dealing with Microsoft. I am in favor of breaking Microsoft up into segments that don't overwhelm and control the computer industry and much business today.

James (Jim) Phipps
PMC Solutions
U.S. Army Corps of Engineers
Galveston District
Project Management Branch
Phone (409) 766–3919
Fax (409) 766–6372

MTC–00024596

From: Kerry Gerhard
To: Microsoft ATR
Date: 1/25/02 1:43pm
Subject: Microsoft Settlement

The purpose of this email is to show my support for Microsoft's decision to integrate a browser into their operating system. The following paragraph, taken from a technical piece, best describes my support. ''Since Internet Explorer 3.0, Microsoft has provided an open architecture, inviting application developers to integrate Web technology into their applications. Most see this simply as a way to integrate Web browsing into their application. Others see this as a way to implement sophisticated display features that were previously too difficult to implement, or perhaps to replace a less-flexible and hard-to-maintain homegrown system. And best of all, since Microsoft has positioned its Web browser technology as part of the operating system, this functionality comes without prohibitive licensing and royalty issues.'' Taken from an article written by:

Dave Templin
Microsoft Corporation
January 2000

As a software developer, every time Microsoft adds a new feature into the operating system, that is another piece of code I don't have to develop myself or license from a third party. This benefits consumers because software vendors can utilize these features without further cost to the customer. With that in mind I can only hope for a speedy settlement that is favorable towards Microsoft.

Sincerely,
Kerry Edwin Gerhard

MTC–00024597

From: Raphael Molina
To: Microsoft ATR
Date: 1/25/02 1:43pm
Subject: Microsoft Settlement

I believe that the proposed agreement is unjust. You will be forcing schools to have an open arena of technology. By forcing Microsoft down schools throat, I believe that

schools, consumers, or anyone in general should have the freedom to choose any computing platform. Microsoft should be forced in giving the schools monetary amounts that then the schools can use at their will as to what platform to go to in the computing world. Otherwise Microsoft will continue its monopoly that is currently holds.

Thanks,

R. Molina

MTC–00024598

From: meowdw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:41pm
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,

Dolores Wolf

5002 Olympic Drive

Los Alamitos, CA 90720

MTC–00024599

From: Dan, Brian and Miranda
To: Microsoft ATR
Date: 1/25/02 8:32am
Subject: Microsoft Settlement

Ladies and Gentlement,

Anyone who knows better, thinks the proposed settlement is bad idea

MTC–00024600

From: Brent Ware
To: Microsoft ATR
Date: 1/25/02 1:41pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea for many reasons, not least of which is that it is no punishment at all for a twice-convicted monopolist. Allowing them to give away ''$1 billion'' worth of software which costs them virtually nothing to manufacture is merely a way for them to pry Apple out of the school market, which in fact just furthers their monopoly at the cost of yet another competitor. They have $38 billion dollars in cash, projected to increase by $10 billion in the next year—have them give an actual $5 or $10 billion cash to the schools. They feel a slight financial pinch, the schools get to buy things they need, and it doesn't necessarily kill Apple in that market. In fact, it allows the market to work, instead of having Apple driven out of the school market as a result of Microsoft being thrown in the briar patch.

Brent Ware

MTC–00024601

From: swingingclub
To: Microsoft ATR
Date: 1/25/02 1:45pm
Subject: Microsoft Settlement
Thomas P. Johnson, III Esq.
3904 Montrose Driveway
Chevy Chase, MD. 20815
Phone (301) 215–9889
Fax (301) 215–4178
January 25, 2002

Dear Madam or Sir:

May It Please The Court: I am in favor of a Settlement of the Microsoft matter based on the fact that prolong litigation does nothing for either side but waste resources. In retrospect, this protracted matter of anti-trust litigation against a company who has greatly influenced modern technology does nothing for creativity in the business community. When the Honorable Judge Thomas P. Jackson issued a decision to break up Microsoft, the decision had an earthquake reaction on the stock market. The entire market declined on the day his decision was issued. Further, no entity has come up with definitive numbers to show how Microsoft has caused actual damages. The damages that have been formulated against Microsoft by the plaintiffs have been pure hyberbol and mere speculation at best. I would speculate that the recent move to file a law suit by AOL is a retaliatory act because of Microsoft's involvement in the bidding for AT&T's cable network against AOL. Comcast was the winner and AOL was the loser. Case law in contract matters states: ''where there is competition'' fairness is not part of the calculus as long as there are no illegal acts. The same principle apply to matters involving Microsoft and its competitors. Some of the business plaintiffs in this proceeding did not have the financial resources to compete in the development of their products prior to this law suit; and, now is crying foul because Microsoft is at a disadvantage at this juncture. There is never a level playing field when there is competition. Microsoft should not be penalized because of the largess of its pocket book. You compete with the cards you are dealt when you do not have the financial resources to compete. A settlement is in the best interest of all sides because: limited judicial resources; defendants, plaintiffs, and the shareholders of all entities involve will benefit because the resources used to litigate this matter could be better used to pay shareholders in terms of dividends derived from profits instead of a writedown because of litigation cost; the litigation cost will most likely be deducted from research and development of new products; and, there will be more money available to settle this claim instead of litigation. On record, which is public knowledge it has been factually shown that the states who participated in the tobacco settlement did not use the money they receive properly according to the terms of the settlement agreement. The states were supposed to use the money to curb teen smoking. Some states used only a fractional amount. I argue this point because the attorneys generals from the various states who are participating in this proceeding cannot show actual physical injury. Economic injury which the states will most likely argue is pure speculation. Economics is a science of speculation and courts do not reward damages based on speculation. This case is unlike the tobacco suit where people died because someone was less than candid about a particular product. This case hinges on business competition and not personal injury. Settlement by any means necessary and not protracted litigation. I would speculate in the event of litigation it will greatly impact our economy negatively as will be reflected in the stock market as was the case in a past decision.

Respectfully submitted,

Thomas P. Johnson, III

MTC–00024602

From: Michael
To: Microsoft ATR
Date: 1/25/02 1:48pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I am not in the computer industry, just an end user who has had a personal computer since 1983. I have purchased Microsoft products as well as products from their competition. It is my observation that many hardware as well as software companies failed due to unfair business practices on the part of Microsoft. Others with far great expertise than I have detailed this out for you. As a concerned citizen, I want you to know that I believe the proposed settlement will not effectively stop Microsoft from continuing on as they have in the past, i.e. benefiting from unfair business practices. Thank you for your time.

Sincerely,

Michael Kane

MTC–00024603

From: Brent Ware
To: Microsoft ATR
Date: 1/25/02 1:47pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea for many reasons, not least of which is that it is no punishment at all for a twice-convicted monopolist. Allowing them to give away ''$1 billion'' worth of software which costs them virtually nothing to manufacture is merely a way for them to pry Apple out of the school market, which in fact just furthers their monopoly at the cost of yet another competitor. They have $38 billion dollars in cash, projected to increase by $10 billion in the next year—have them give an actual $5 or $10 billion cash to the schools. They feel a slight financial pinch, the schools get to buy things they need, and it doesn't necessarily kill Apple in that market. In fact, it allows the market to work, instead of having Apple driven out of the school market as a result of Microsoft being thrown in the briar patch.

Brent Ware

MTC–00024604

From: Steven Barnes
To: Microsoft ATR
Date: 1/25/02 1:49pm
Subject: settle now

MTC–00024605

From: kforrest
To: Microsoft ATR
Date: 12/17/01 1:15pm
Subject: Microsoft Settlement

Microsoft needs to be repentant and not rewarded for its previous actions. For years Microsoft has attempted to squeeze into the K–12 education market and now they elect to do it as ''compensation'' for previous wrong-doing. Please don't give them this ''free lunch.'' If they want to do pentance for k–12 education let them drop a billion dollars into the e-fund and supply truly FREE internet access to all underfunded schools in the nation.

thanks
Kent Forrest
Technology Leader
Parkway School District
Chesterfield, MO

MTC–00024606

From: parkru@saic.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:46pm
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,
Russ Park
9826 Colt Lane
Lakeside, CA 92040

MTC–00024607

From: james t. pendergrast
To: Microsoft ATR
Date: 1/25/02 1:50pm
Subject: Microsoft Settlement

My name is James Pendergrast. I have used Microsoft products, but have settled upon the Macintosh operating system as being superior for my needs. It is disconcerting to me to see the business practices Microsoft employs to dominate the field and drive their competitors out of business. The lack of government interest in creating an effective remedy, particularly since the advent of the Current Bush administration, has been disheartening. The current proposal, with Microsoft giving a sham offer to schools is like a slap in the face to everyone who holds fairness and equal dealings for all persons in high regard. It won't cost them anywhere near what they will get credit for, and have the effect of further increasing their presence in the education market, at the expense of Apple computer. Some punishment indeed. Please do what is necessary to prevent such a travesty of justice taking place.

Yours truly,
James T. Pendergrast.

MTC–00024608

From: Syndergaard, Ernie
To: Microsoft ATR
Date: 1/25/02 1:51pm
Subject: Microsoft Settlement

I work in the IT Industry and am very concerned with the proposed settlement of the Microsoft Antitrust Suite. Of particular concern is: 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. These sections clearly allow Microsoft to continue to strong arm most companies who wish to stay competetie ''bend'' to microsoft will. This proposed settlement is NO FIX TO THE MONOPOLISTIC POLICIES OF MICROSOFT AT ALL! This is purely my personal opinion and does not in any way reflect that of Compaq Computer Corporation or any of it's subsidiaries.

Ernie G. Syndergaard
IT Specialists
Compaq Computer Corporation

MTC–00024609

From: DJMaytag
To: Microsoft ATR
Date: 1/25/02 2:02pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory, etc... I am not a very eloquent speaker/writer so I am going to include some links to another who is. I can say with certain confidence, that any remedy that leaves out the OEM bootloader license will have zero effect on any competition being able to someday enter the marketplace to compete against Micorsoft. Here are some exceprts from some articles written by Scot Hacker from byte.com: Regarding the state of the Microsoft monopoly: ''But the reality is that Be's failure has made a point to the world, to whit: ''Don't bother trying to create a better commercial desktop OS—it doesn't matter how hard you try, how many engineers you throw at the problem, how much money you spend, or how many years you put into it. Microsoft owns that space and, worse, the public is totally complicit with that fact. People will not stop using Windows. It is a losing battle.'' It is unlikely now that anyone will ever again attempt what Be, Amiga, and IBM attempted. And that's the saddest thing of all—the insidious ways in which the monopoly has wormed itself into the fabric of our economy and culture. The message that ''resistance is futile'' has been hammered home. The only OS projects that stand a chance are open source, because they don't play by the rules of the economy.'' Regarding the part of the monopoly the DOJ has seemingly completely missed, the Microsoft bootloader:

''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, Gassee 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.''

''So here we are in 2001, and guess what? It's still not possible to purchase a dual-boot Win/Linux machine. Doesn't that seem kind of odd? With all of the hype Linux has gotten, and with the technical simplicity of shipping dual- boot machines, not a single PC OEM is shipping such a beast. The technology marketplace is glutted with options. Vendors use even the smallest opportunities to trumpet their differentiating factors. Linux is free. And yet there are no commercially available dual-boot machines on the market. Not one. The silence of the marketplace speaks volumes. There is no other way to explain this phenomenon other than as a repercussion of the confidential Windows License under which every hardware vendor must do business.'' From an article entitled ''The De Facto Hardware Monopoly'' http://www.byte.com /documents/s=97/byt19990727s0011/ index.htm ''While the Department of Justice trial focuses on issues such as browser integration, the real point of the trial is often lost in all the hubbub: The hardware industry is, by necessity or by choice, beholden to Microsoft. It's one thing to see an ''Intel Inside'' sticker on a new machine, but when I see hardware labeled ''Designed for Windows 98'' or ''Windows 98-compatible'', a shiver of frustration runs up my spine. Since when should hardware care what operating system it's working with?'' From http://lists.elistx.com/archives/interesting-people/200108/msgOO238.html

From: ''Brian David Hungerford'' <bhungerf@umich.edu>

To: ''David Farber \(by way of Bernard A. Galler\)'' <dave@farber.net>

The boot license doesn't actually say that you can't install a second OS.

What is says is:

1. You can't deliver a preinstalled machine in which Microsoft's code bootstraps someone else's OS. It is technical possible to

do this with NT/2000/XP/etc., because the NT bootloader is specifically designed to respect the preexistence of another OS and incorporate that into the boot sequence; any MCSE knows this. It's how NT systems allow you to preserve your previous boot option when you upgrade from DOS, OS/2, or Windows 9x/ME. However ...

2. OEM's must use Microsoft's preinstallation tools to deploy the OS on the machine. Since those tools (usually) start by blasting away the contents of the disk and laying down Windows in a fresh partition, any preexisting OS would be destroyed in the process. Hence the trap: deploy the other OS first, and the OEM tools wipe it away;

Deploy it after Windows, and you've used Microsoft's boot code to launch a different OS.

It is trivially easy for end users and VAR's to set up dual-boot systems. But—as the article points out—this would require some interest on the part of customers for post-purchase installation, and there is none. http://www.theregister.co.uk/content/archive/21410.html Between 1997, when the DoJ began taking the browser issue seriously, and when the final arguments were made late in 1999, Be was the only competitor whose business solely depended on providing competition to Microsoft on the consumer desktop. It's strange then that it should ignore such compelling evidence of anti-competitive behaviour. But the Antitrust staff aren't the only people who are reluctant to grasp the nettle. There's a widespread view in the Linux community that offering head-on competition to Windows on the desktop isn't how Linux will eventually win. The argument has some sound reasoning—it points to historical changes in the economics of the infrastructure, of the sort which saw midrange system replaced client/server PCs—but ducks the difficult question. If you are going to offer consumers an alternative to Windows, you're going to need distribution, and overwhelmingly the least troublesome and most convenient distribution point is a preloaded, pre-configured installation. That means access to the PC's boot sequence.

At the LinuxWorldExpo panel discussion Jeremy Allison made few people comfortable with his point that unless you break the client monopoly, ''your alternative infrastructure is irrelevant,'' Very few OEMs can afford not to offer Windows, and while their freedom to offer alternatives is dictated to by the Beast, the alternatives will languish. http://www.theregister.co.uk/content/4/22670.html One possible concession by Microsoft in the proposed AntiTrust settlement has come too late to save the company which pressed hardest for its inclusion: Be, Inc. Section C/4 of the remedy states that Microsoft may not forbid OEMs ''offering users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product''. OEM agreements preventing PC manufacturers from advertising the fact that an alternative was in fact, right in front of the user, pre-installed.

In the case of Hitachi, the most significant OEM to offer BeOS preinstalled, the user had to manually install a boot manager to activate the BeOS partition, a process which involved creating their own floppy boot disk. The package could not include a boot floppy, and the Windows desktop had no icons enabling the automation of the process, or even giving any indication that an alternative existed on the PC. I can't grab everything from this article, but it's a good read: http://www.netaction.org/msoft/world/ I found this document via http://www.nyx.net/-lmulcahy/microsoft-bad- faith.html There a whole host of articles out there explaingin why the DOJ missed the boat and why Microsoft is going to get away scot free from this mess if some sever changes don't take place. I can't even begin to explain how bad this is going to be for the US and world economy if Microsoft isn't stopped.

Thank you for yout time,
Mitch Anderson

MTC–00024610

From: Tom Denman
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:52pm
Subject: Microsoft
AVTEX
Thomas J. Denman
5775 West Old Shakopee Road
Suite 160
Bloomington, Mn 55437
(952) 831–3710
January 9, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter to simply state my support of the DOJ antitrust settlement involving Microsoft. The settlement reached between Microsoft and the Department of Justice is fair and reasonable. The design of the settlement is to be beneficial to both the IT industry and the consumer alike, without unfairly attacking Microsoft.

It is essential that the DOJ resolve this issue swiftly. An exorbitant amount of American tax dollars have been spent just so that Microsoft's competitors could attack their opposition. This country is based on free enterprise, and it seems that the settlement already goes against the grain of that idea. To continue litigation would just mean a slow suffocation of laissez-faire principles.

As it is, Microsoft will have to give up software codes and intellectual property just to appease the DO J, yet some jealous and selfish special interests would prefer to move on, even though this is clearly not in the public interest. I strongly recommend that all action at the federal level be stopped.

Sincerely,
Thomas Denman
Executive Vice President

MTC–00024611

From: luthered@cox.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:49pm
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,
Edward Luther
94 Henry Clay Rd
Newport News, VA 23601

MTC–00024612

From: Jonathan Leinwand
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

I am concerned that the Microsoft settlement is letting Microsoft do something that would otherwise be illegal. By letting Microsoft provide free software to a market it has not yet dominated, the Justice Department is letting them do exactly what was done to Netscape. Free Windows software will tilt decisions towards Intel based computers running Windows, thus hurting competition in the education market place. The settlement needs to correct the behavior of the offender and not try to punish it or try to do a good deed. Giving out free software from Microsoft will not benefit educators, students or competition.

Jonathan D. Leinwand, Esq.

MTC–00024613

From: Charles Borner
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Microsoft Settlement

Pardon me if I seem naive about this. I simply do not understand why, if Microsoft is guilty of monopolistic practices, the government isn't stepping in and demanding real measures to dismantle this monopoly. Simply allowing Microsoft to give away product and old, refurbished computers isn't an effective remedy to this. It simply mirrors what happened when they began giving their Internet Explorer browser away for free.

Because they have huge, effectively bottomless cash reserves, they can easily weather this settlement. Note: The settlement's cash value is roughly equal to Microsoft's MONTLY profit margin. It doesn't even begin to touch the billions Microsoft has socked away in the bank. Additionally, this damages the competition even further. Because now the government is effectively distributing software for Microsoft. For free. How are competitors supposed to compete with products being GIVEN away? The answer? They CAN'T. So the settlement isn't even a slap on the wrists for Microsoft. It has the effect of giving a government sanction to an illegal monopoly.

And more, government assistance in furthering that monopoly. The DOJ needs to stop trying to take the easy, feel-good way out of this, admittedly, painful situation. The DOJ needs to begin seeking hard, truly workable soloutions that REALLY penalize Microsoft for their illegal activities. Stop doing what's easy, and do what's RIGHT for a change.

Charles Borner: chas@evilnet.net
5550 Abbey Dr.
Suite 4M
Lisle, IL 60532

MTC–00024614

From: P T Withington
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

In my opinion, the Proposed Final Judgement in United States vs. Microsoft is insufficient to prevent Microsoft's continuance of anti-competetive practices to the detriment of computer users everywhere.

P. T. Withington

MTC–00024615

From: David Halonen
To: Microsoft ATR
Date: 1/25/02 1:57pm
Subject: Microsoft Settlement

I oppose ''fining'' Microsoft by allowing them to have a free hand to donate MS software to schools—its tanamount to letting the fox in the henhouse! The fact that MS writes bad code, has a lousy user interface, and can't spell security to save Bill's fortune is beyond refute. And should not be a part of this settlement process. The fact is that MS has been found in violation of the law. The fact that they look at the law in disdain (ignoring prior rulings) calls out for a stiff punishment. I strongly encourage the gov't to punish MS to the fullest extent of the law. MS has clearly demonstrated time and time again, it only respects pure, unadulterated force. Hit them between the eyes! Its the only language they understand.

Regards,
David Halonen
The Halonen Company
10131 Fairlane, Suite 1215
South Lyon, MI 48178
(734) 449–2956
(810) 923–0780 cell

MTC–00024616

From: Aaron Sherman
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Propose Microsoft settlement

I'll keep this short, since I'm sure many who submit will not. The basic problem that Microsoft's business practices present to the rest of the industry is incompatibility of interfaces. The rest of the industry works very hard in standards organizations, documentation and in other ways to unify interfaces between software applications. Microsoft has done just the opposite. If the only change that results from this investigation is that Microsft is forced to publish details of their interfaces between, e.g., Internet Explorer and the Windows NT/2000/XP operating systems or between Office and the Win32 subsystem in full (not in general detail), then the industry would be able to compete on those platforms with the existing Microsoft products. Generally, this is not required of software companies because they do not straddle the operating system and application software markets. Where Microsoft does, they present a barrier to market for non-Microsoft applications simply by hiding the interfaces that their application products use.

So, in short: publish interfaces well in advance of major revisions; maintain and support published interface implementations accross minor revisions; restrain Microsoft from applying for any patents which could prevent application software competitors from using said interfaces without paying royalties (note: this does not prevent Microsoft from acquiring patents, so long as they do not touch on application/platform interfaces). Interfaces should include: save file formats; application embedding protocols and controls; network protocols; extension languages; system libraries; operating system interfaces to application such as the browser.

MTC–00024617

From: Florence Jones
To: Microsoft ATR
Date: 1/25/02 1:56pm
Subject: Microsoft antitrust settlement agreement

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I support the Microsoft antitrust settlement agreement. While I have been opposed to this lawsuit from its inception, I believe settling the case now is in everyone's best interests. The settlement agreement provides for a variety of concessions on Microsoft's part. They have agreed to increase server interoperability. They have also agreed to make a great deal of changes in the way they handle their relationships with software developers. Once the settlement agreement is finalized, Microsoft will not retaliate against software or hardware developers who develop or promote software that competes with Windows. Nothing more should be expected or required of Microsoft beyond the scope of the current settlement agreement. I urge your continued support of resolving this case. Thank you for your efforts in this regard.

Sincerely,
Florence Jones
PO Box 281/451 Coul Ave.
Buckley, WA 98321
phone 360–829–9293

MTC–00024618

From: Phil Parker
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: proposed settlement

I support the Kansas AG and *do not* support the pending settlement.

Phillip E. Parker
Math. Dept. #33
Wichita St. Univ.
1845 N. Fairmount
Wichita KS 67260–0033
USA

MTC–00024619

From: mcgraw@cejka.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Microsoft Settlement

Microsoft is a convicted monopolist and I do not trust them with my data. I will vote with my conscience next time you guys are up for re-election or anything. ''What's good for General Motors is what's good for the country'' is and was WRONG.

Haven't we learned enough about the Enron scandal, for instance? What are you guys thinking?

Patrick McGraw
Network Analyst
Cejka & Company
800.678.7858
fax 314 863 1705

MTC–00024620

From: Getz, Steve (SM)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:59pm
Subject: Microsoft Settlement

This settlement is a bad idea. You need to break up the company—split off the operating system group from the rest. First they claim the browser is now part of the operating system. What keeps them from next saying Microsoft Office is now part of the operating system thus killing off the competition for word processing, spreadsheets, etc. Then they can add virus utilities to the operating system.

Steve Getz
Sarnia
519–339–6412

MTC–00024621

From: MKEYSTONEFI@CS.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 1:55pm
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,
MONROE STRAWN
P. O. BOX 1001
NORTH HIGHLANDS, CA 95660

MTC–00024623

From: Tim Van Riper
To: Microsoft ATR
Date: 1/25/02 9:06am
Subject: Microsoft Settlement

In order for this settlement to be fair, Microsoft should not be allowed to pay

damages by providing ''free'' software and/or hardware. The penalty must be monetary so schools can have the freedom to choose which platform they wish. By giving Microsoft the option of paying their penalty in kind, they not only settle the lawsuit, but grab and even larger marketshare by dumping their garbage software and tired old clone hardware off on unsuspecting students and teachers. That surely wouldn't be fair. Make Microsoft pay with REAL money.

Timothy Van Riper
Salem, Virginia

MTC–00024625

From: David Diplock
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:03pm
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 engineer with over 10 years of experience developing for various platforms, I wish to comment on the proposed Microsoft settlement (PFJ) under the Tunney Act. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html <http://www.kegel.com/remedy/remedy2.html>), and have asked to be included as a co-signer to his letter. In addition, I would like to summarize my personal views on the PFJ. The PFJ as currently written simply does not go far enough. There is no doubt, given Microsoft's past behavior, that it will attempt to circumvent and evade the terms of this agreement. The PFJ is so narrowly defined that it allows plenty of maneuvering room, especially considering that it will be applied in an industry as fluid as the software industry. Therefore, the PFJ will fail in its intended purpose—to prevent Microsoft from continuing its illegal and anticompetitive practices. Such failure would clearly not be in the public interest. Strengthening the settlement agreement, as proposed by Dan Kegel and by certain plaintiff states, is necessary for the remedy to be effective.

Sincerely,
David Diplock
San Diego, California
Software Engineer,
Peregrine Systems

MTC–00024626

From: Michael Dragone
To: Microsoft ATR
Date: 1/25/02 2:02pm
Subject: Microsoft Settlement

To Whom it May Concern:

I'll keep my comments regarding the proposed Microsoft Settlement brief. The settlement in its current form essentially gives Microsoft the legal right to continue to do as they please. Furthermore, I've noticed that it seems to be relatively easy for Microsoft to circumvent any restrictions that are in place that they find to be a hindrance. Microsoft has been found to be a monopoly. This has been affirmed by a Court of Appeals. When AT&T was found to be a monopoly, they were broken up into Baby Bells. I'm not entirely certain that a breakup of Microsoft is the best solution (a slew of Baby Microsofts might not help the matter). Regardless, a harsher penatly must be imposed on this company. They literally have their collective hands in almost every facet of the Information Technology industry. Their use of disgusting business practices to enhance their own net worth causes nothing but disdain. If they are not stopped now, our entire IT infrastructure may one day be entirely Microsoft-driven. This is highly undesirable.

Thank you for your time.

MTC–00024627

From: LUC,BIEN (HP-Cupertino,exl)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:03pm

Hi Mr Attorney General,

Attached please find my opinion about the Microsoft litigation.

Thanks,
Bien Luc
19420 Homestead Road
Cupertino, CA 95014–0606
January25,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

The economically damaging and unfair litigation against Microsoft must come to an end. The current settlement with Microsoft is in the best interests of California, the IT industry, and the economy. The settlement has placed a number of restrictions on Microsoft. For example, Microsoft has agreed to a ''Technical Committee'' that will monitor the company's compliance with the settlement. In addition, Microsoft agreed to design future versions of Windows to make it easy for consumers and computer makers to promote non-Microsoft products within Windows. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. These changes in Microsoft's behavior will result in more options for consumers as well as expanded competition in technology sector. More importantly, the settlement will end three years of unnecessary litigation and will let us move forward. I urge you to support it.

Sincerely,
Bien Luc

MTC–00024628

From: Ann Lee
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

I believe that the proposed settlement that has been offered, Microsoft giving approx. $1 billion in refurbished computers and software to schools to settle their lawsuits, is not only acceptable, but possibly illegal. Nor does it do anything to address the actual people and businesses that have been harmed by it's monopolic behavior. As John Kheit pointed out in his article in The Mac Observer, http://www.macobserver.com/, ''. . . Such predatory pricing and/or dumping tactics are normally illegal for a convicted monopolist. U.S. v. Columbia Steel Co., 334 U.S. 495, 530 (1948); Western Concrete Structures Co., Inc. v. Mitsui & Co. U.S.A.), Inc., 760 F.2d 1013, 1018 (9th Cir. 1985). Thus, it is currently illegal for Microsoft to give its software to the educational market for free or at a price below its costs because they have been found to be a monopoly. However, if the government agrees to Microsoft's proposed settlement with the states, then the government will at the very least be providing Microsoft with an exception to this rule, or at worst be a collaborator in illegal predatory pricing and dumping.''

Microsoft should be punished for their anti-competitive behaviour, not rewarded with another market to monopolize. Also, any settlement should be focused towards the consumer and business community, not an irrelevant third party.

E. Ann Lee
2520 W 32nd Avd
Denver, CO 80211
303–455–6728

MTC–00024629

From: Chris McGrew
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

Dear Sirs,

It is my opinion that the proposed settlement is flawed. If Microsoft is guilty of monopolistic practices, as they have been found to be, then the proposed remedy of solution amounts to nothing more than a wrist slap. Microsoft will be little inconvenienced by these measures. I don't believe that breaking up Microsoft into different companies will help and that is not what I believe is fair. I do believe that MS is guilty of monopolistic practices, though I also believe that virtually any company that was able to maneuver themselves into the same position, would have employed almost identical tactics. These need to be curbed to allow industry to flourish.

Microsoft is not a very innovator company, but they do update their products from customer input. They should not be allowed to kill off the smaller fish in the pond before these fish can become real competition by giving away a competing product for free. This practice doesn1t allow for fair competition.

I am not sure how to fix this, but as I have stated earlier, the proposed settlement is nothing more than an ineffectual wrist slap.

Chris McGrew
2605 Oaks Ave
Everett, WA 98201

MTC–00024630

From: Mike Everett-Lane
To: Microsoft ATR
Date: 1/25/02 2:03pm
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. Specifically, I would like to address the veto against open source programming.

Open source programming is one of the most important revolutions in computer science. The Internet has enabled programmers from across the globe to create software collaboratively. 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 effectively gives Microsoft a veto over sharing any information with open source development projects, because Open Source projects are usually performed by volunteers, and therefore would not be considered authentic, or viable businesses. This will have a chilling effect on Open Source development—which in turn will reduce competition and halt the creation of new software. I cannot see how this would benefit consumers. The DOJ should revise its settlement, so that Microsoft cannot discriminate between for-profit and nonprofit groups in API disclosure.

Sincerely,
Michael Everett-Lane
155 Seventh Avenue
Brooklyn NY 11215

MTC–00024631

From: Ron Robertson
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

I wish to comment that I don1t think the proposed settlement against Microsoft goes far enough. Nothing will change or be improved with your current proposal. I also think it1s wrong the way Microsoft breaks every standard and uses their market share to force everyone to use their products, particularly web browsers.

Sincerely,
Ron Robertson
Fresno, CA

MTC–00024632

From: doodles8@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:04pm
Subject: Microsoft Settlement

Gentlemen,

A few brief words stating how upset I am that you are letting Microsoft get away with anti-competitive practices with nothing more than a slap on the wrist. No fine could be enough, given the company's huge resources, and the whole idea to give schools their inferior software was just another obvious grab for market share. The only way to force MS to cooperate is to force them to open their operating system's code for all to see. Barring that, they must make all API files open source, so that other software companies might be able to write programs without the handicap of not having access to the internal system dynamics. If this is the best that the Department of Justice can do for the people of America, you may as well turn in your resignations.

disrespectfully yours
Steve Gattuso

MTC–00024633

From: Larry Melillo
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 1/25/02 2:04pm
Subject: Comments on the Microsoft Proposed Final Judgment

TWIMC: Having read the Proposed Final Judgment, I believe harsher remedies are needed to prevent Microsoft from extending its monopoly in the future. In particular, Microsoft can not be allowed to self-regulate itself regarding the classification of new technologies as part of the Windows OS. Unless emerging companies are allowed to have a fair opportunity to develop and exploit breakthrough technologies, this proposed PFJ may allow future technology development to be delayed/ignored based on the whims of a single company's strategic intent. As technology will likely continue to be a major driver of the world's economy, this simply is not an acceptable alternative. At the very least, harsher regulatory controls should be implemented as part of the PFJ.

Regards,
Larry Melillo
San Francisco, CA 94109

MTC–00024634

From: Spunk S. Spunk III
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

Hello,

I would like to voice my opinion of the Microsoft Settlement and ask you to PLEASE continue the trial. The current settlement does nothing to Microsoft and worse yet, many of the ''penalties'' actually strengthen Microsoft's monopoly. I think it allows them to continue bullying everyone who gets in their way as they always have done and, in fact, are continuing to do.

Thank you,
Brian Ray

MTC–00024635

From: aruss1@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:02pm
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,
andrew russell 2414 state street erie, PA 16503

MTC–00024636

From: ed@alcpress.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

The settlement reached between the Department of Justice and Microsoft is a disgrace. Microsoft committed crimes and their punishment is no punishment at all! How can I be proud to be an American under these conditions? I take an active part in the education of my children. How do I explain to them that our country is based on law but that law does not apply to the wealthy—that our leaders are corrupt. You're destroying MY country and it's heritage. I'm ashamed of the whole lot of you. You disgust me.

Ed Sawicki

MTC–00024637

From: RBush11235@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

To whom it may concern:

The constant litigations brought against Microsoft, simply because the company is a success, need to stop, and those already brought against Microsoft need to be dismissed, or at least, diminished. The original case brought against Microsoft was a case of ''sour grapes'', fueled by the liberal, and nonsensical idea that ''it's not fair'' that one company succeeds more than another. That same nonsensical idea extends to the individual, and therefor those indivduals who succeed are excoriated and punished by an increasingly dictatorial and intrusive government. The idea that the success of one individual helps the success of the next individual is no longer paramount in this country, because that is a capitalistic concept, and the country is becoming more and more socialistic. if not out-right communistic. However, Communism and Socialism are not what made this country great, nor will they keep it great.

Richard L. Bushman
165 Fruit Street
Hopkinton, MA 01748
508–435–4003

MTC–00024638

From: Rod Martin
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

The proposed settlement for Microsoft is a very bad idea and completely insufficient.

MTC–00024639

From: George Heller
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. All it will allow for is big companies with deep pockets to tie up cases in court long enough that when the time comes for judgement the whole case seems irrelevant. At that point, they're unaffected because they've already accomplished what they've wanted to do: completely destroy all competition.

MTC–00024640

From: E. Tomchin
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
Washington, DC 20530–0001

Dear Ms. Hesse,

After reviewing the Microsoft settlement documents it is my considered opinion that the proposed settlement not only does not prevent Microsoft from continuing in their heavy-handed and competition-strangling behavior, but it completely fails to address one of the worst offenses Microsoft has committed to date: to wit, the inauguration of Microsoft's new XP operating system with its Windows Product Activation (WPA) function. WPA appears fraudulent and monopolizing in that if a consumer fails to get Microsoft's permission to activate the operating system, which arguably is their right, it prevents that consumer from accessing their own personal and private files on that computer and permanently locks that consumer out of their own computer. This simple fact seems prima facie evidence that Microsoft has not only failed to adhere to the spirit of the settlement agreement, but has taken their heavy-handed monopoly to new heights.

Further, Microsoft has announced that it soon will cease all support of earlier operating systems, including Windows 95, Windows 98, Windows ME and Windows 2000. This appears to be a monopolizing move that is designed to force people to abandon any earlier operating system they may own and choose to keep and force them to purchase XP. This cessation of support for earlier Microsoft operating systems would not be that heavy-handed and monopolizing if Microsoft would allow the downloading of all necessary security patches and Service Packs so that a user may bring those operating systems up to secure functionality when the operating system needs reinstalling, which it quite frequently does due to numerous bugs and defects in the original product. Overall, it appears that Microsoft is being allowed to continue to control and interfere with a consumer's right to maintain an operating system they have purchased from Microsoft. The settlement does not address any of the issues I have put forth above.

Thank you for the opportunity to address these issues.

Sincerely,
Edward A. Tomchin
P. O. Box 10009
Golden Valley, AZ 86413

MTC–00024641

From: kanb—us@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:04pm
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,
Betty Launius
3827 Verner Dr.
Peoria, IL 61615

MTC–00024642

From: Drew Dean
To: Microsoft ATR
Date: 1/25/02 2:07pm
Subject: Microsoft Settlement

(I'm not sure this got through the first time; it's the same text)
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse and Judge Kollar-Kotelly:

I wish to express my belief that the Revised Proposed Final Judgment (RPFJ) in US v. Microsoft is not in the public interest, and respectfully urge the Court not to approve it. While the RPFJ is a substantial improvement over the original PFJ, it remains the case that the exclusions swallow the rule. The following three examples are illustrative, but by no means the only problematic areas in the RPFJ.

(1) Section III.J.2. The exclusions in subpart (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,'' and (d) ''agrees to submit, at its own expense, any computer programs 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.'' serve to exclude the people that most need this documentation, namely, the Samba team (see http://www.samba.org). The Samba team has produced an open-source implementation of the Microsoft SMB/CIFS protocols for file and printer sharing. Being an open source project, their code is freely available, and they are not a business. A reasonable interpretation of subparagraphs (b) and (c) would make them ineligible to benefit from the remedies prescribed in Sections III.D and III.E. Furthermore, the cost of the testing required by Section II.J.2.(d) is likely to be prohibitive for individuals, and non-profit open source projects, further limiting competition. While the Samba team is the most immediately relevant example, these concerns also apply to the developers of the Linux operating system and the Apache Web server.

All three of these programs are used by large numbers of people, and represent direct competition to Microsoft.

(2) The definitions in Sections VI.J, VI.K, and VI.T (''Microsoft Middleware'', ''Microsoft Middleware Product'', and ''Trademarked'', respectively) appear to exclude Microsoft's Reader (see http://www.microsoft.com/reader). Microsoft Reader is the company's software for the display of electronic books. I reach the conclusion that Reader is not covered by the RPFJ as follows: (1) Sections VI.J.2, and VI.K.2.b.iii both require that the software ''is Trademarked.'' (2) Section VI.T defines ''Trademarked''. Sub-paragraph (iii) says ''asserting the name as a trademark in the United States in a demand letter or lawsuit. Any product distributed under descriptive or generic terms or a name comprised of the Microsoft(r) or Windows(r) trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment.''

(3) Microsoft Reader certainly is a name comprised of ''Microsoft'' and a generic term, ''Reader,'' and by the plain meaning of Section VI.T.(iii) is not Trademarked. Hence, it is neither Microsoft Middleware nor a Microsoft Middleware Product, and appears to fall entirely outside the scope of the RPFJ. While the electronic book market is highly immature at present, many believe that it will come to dominate traditional, paper-based, publishing. The potential economies of digital storage and transmission are enormous. Publishing is a multi-billion dollar per year market and so the status of Microsoft Reader and competing products will be of great competitive significance. I believe that the public interest is best served by letting this potential market evolve in a free, competitive manner. Leaving Microsoft unconstrained is not consistent with this goal. I also note that Microsoft can avoid having any new product designated as a Microsoft Middleware Product under the RPFJ by the simple expedient of naming it so that it falls outside the definition of Trademarked (Section VI.T). (3) I quote Section VI.U in its entirety: ''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.

This definition has two problems. First, it is internally inconsistent. It begins by defining the code comprising a ''Windows Operating System Product.'' It then follows that definition by contradicting itself, ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Which definition is meant to prevail? Neither is clearly subordinate to the other. Second, in numerous places in the RPFJ, language of the form ''not inconsistent with this Final Judgment'', ''consistent with this Final Judgment'', or ''exercising any of

the options or alternatives provided for under this Final Judgment'' appears. It is, however, notably missing in Section VI.U. Given the numerous other appearances of this language, its lack here appears to be significant. While one might assume that any such determinations by Microsoft would have to be consistent with the RPFJ, plain reading of this definition does not require it. As there is no indication that this definition is subordinate to the rest of the RFPJ, this could be interpreted as undermining the intent of the RFPJ, particularly in regard to middleware products. I believe the settlement would be substantially strengthened by replacing the final sentence with: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion, consistent with this Final Judgment.''

The above examples are illustrative of the flawed approach taken in the Revised Proposed Final Judgment. I believe that the Revised Proposed Final Judgment is not in the public interest, and respectfully urge the Court not to approve it.

Sincerely,
Drew Dean
21070 White Fir Ct.
Cupertino, CA 95014

MTC–00024643

From: Terryk
To: Microsoft ATR
Date: 1/25/02 2:14pm
Subject: Microsoft

I am adamantly opposed to the proposed DOJ settlement. I have been in the computer business since the early ''60's. I watched for years as Microsoft ran business after business, out of business. Netscape, a fine browser, was one of the most visible, but by far, not the only one. Stac, a disk compression company is one that comes to mind, when Microsoft ''added'' a near copy of it to Windows, in the form of ''Double disk''. The original proposed settlement, breakup of Microsoft, and a Windows product without Internet Explorer was by far the best proposal. I believe the remaining nine states, and now AOL, are absolutely right to demand a much better solution to a major monopolistic company that Microsoft is. Not to mention the arrogance of Mr. Bill Gates.

I. L. Koelling email = ikoelling@houston.rr.com

MTC–00024644

From: Russell Tilton
To: Microsoft ATR
Date: 1/25/02 2:11pm
Subject: microsoft

We hope that Microsoft stays strong in the marketplace. Personally, we like their products and have no complaints about their service. I would hate to see another negative impact on the NW at this point in time. As long as there are checks and balances, I don't even mind if they control the market place because decentralization may be cumbersome and difficult to work with given the technical expertise needed to work with different systems. They would all need to be integrated. A big order, wouldn't you say?

MTC–00024645

From: Jerome
To: Microsoft ATR
Date: 1/25/02 2:10pm
Subject: Microsoft Settlement

The Federal Anti-trust settlement in this case was a travesty. It did little to a company that violated past agreements on anti-competative behavior of microsoft. The American public deserves a Judicial system that will look out for them, and this settlements do not do this. The Government has proven their case agenst Microsoft, and the Federal Courts have a duty to the people of the United States to ensure that it does not happen again, and the only way that they can do this is to apply a penelty which will discourage, or make it impossable for Microsoft to practice this behavior in the future. Given some of Microsoft's latest aquisitions (intelectual property which includes a rival 3-D graphics technology, Open GL), and software technologies in thier latest OS, I feel that they have continued these pracices even while litigation in the current Anti-trust case is pending. I would like to see harsher penelties applied to Microsoft for these reasons.

Jerome Gantner

MTC–00024646

From: Nick Snyder
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:12pm
Subject: Microsoft Settlement

I believe that the only thing Microsoft should be able to do, is pay the money. They should not donate software, computers and what not. They should put the money into a ''fund'' for each school and have the school buy what computer software, hardware and whatever other computer stuff they need.

Thought I would share.

Nick Snyder

MTC–00024647

From: L.C. Mathison
To: Microsoft ATR
Date: 1/25/02 2:16pm
Subject: Stop Microsoft's Monolopy

The proposed DOJ vs Microsoft settlement is bad for everyone except Microsoft. Please do not accept and make legal the monolopy Microsoft now holds. Please take any appropriate measures to completely stop Microsoft's monolopy by breaking them into competitive companies or stop the pre loading of Microsoft Operating systems and add-on programs such as Internet Explorer which caused the first public outcry.

Please!
Please!
Listen to the people!
Leslie C. Mathison
1128 West Collinwood Circle
Opelika, AL 36801
Phone 334–749–5891

MTC–00024648

From: Son, Seha (S.)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:14pm
Subject: Current AOL litigation

I believe that the both companies time and resources should be spent toward ultimate end-consumers, not in the courtroom. Both companies should be engaged in fair and mutual competition and perhaps cooperation for the benefit of ,again, consumers. I'd like to see AOL's litigation to end immediately so that the consumers win.

MTC–00024649

From: phillyfanatic@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:13pm
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,
Glenn Koons
5314 4th
Long Beach, CA 90814

MTC–00024650

From: Tom
To: Microsoft ATR
Date: 1/25/02 2:16pm
Subject: Microsoft Settlement

The proposed settlement is not sufficient punishment to Microsoft. Microsoft uses their control of the operating system harm other companies who were trying to compete. A proper settlement would lessen the power that Microsoft wields over the industry.

Tom Solnok
706 Sumac Rd
Derby, KS 67037

MTC–00024651

From: Scott Layman
To: Microsoft ATR
Date: 1/25/02 2:18pm
Subject: Microsoft Settlement

I would like to see Microsoft broken up. If not broken up, then the governmnt needs to keep a very close watch on them. Microsoft shouldn't decide on thier punishment. The courts should, and the punishment should not be in Microsoft's favor. The giving 1 billion $ of microsoft products to schools is just feeding the monoploy fire! Microsoft's business practices are down right EVIL. It amazes me at how they could get away with most of the stuff they do. Microsoft's punishment needs to be harsh.

MTC–00024652

From: rdlamb@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:18pro
Subject: Microsoft Settlement
RICHARD LAMB

1357 43rd Avenue Unit 35
Greeley, Colorado 80634
January 25,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The reason I am writing to you is to ask that you make certain the settlement that was reached recently between the Justice Department and Microsoft is concluded. I am concerned that anti-Microsoft groups may try to harm the settlement process. The Justice Department and Microsoft want to settle this case. Antagonists of the settlement contend that this agreement is hard enough on Microsoft. However, considering this settlement makes Microsoft share more information with competing software firms than ever before proves these contentions are wrong. This settlement discloses Microsoft/Es internal interfaces, which is a major concession and unprecedented. Also, Microsoft has agreed to share its secrets of server interoperability. With these two disclosures, Microsoft will be creating more competitiveness in the IT industry. Opponents of the settlement don't seem to be concerned with this; they appear to have more concern with punishing Microsoft.

I appreciate you taking time to consider my views on this issue. I urge you to settle this case as has been planned.

Sincerely,
Richard Lamb

MTC–00024655

From: Sonia Arrison
To: Microsoft ATR
Date: 1/25/02 2:20pm
Subject: Microsoft Settlement
January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Settlement of US v. Microsoft

Dear Ms. Hesse:

The Pacific Research Institute is a non-profit, San Francisco-based public policy think tank dedicated to promoting individual freedom and personal responsibility. This letter is being submitted to the courts as part of the Tunney Act proceedings as it relates to the Final Judgment Stipulation and Competitive Impact Statement in US v. Microsoft. On behalf of Pacific Research Institute, I have written on and researched the Microsoft issue extensively. It is the position of our organization that approving the settlement in this case is in the best interest of consumers and the technology industry.

As the director for the Pacific Research Institutes Center for Technology Studies, I have worked on this issue from very early on in its history. I reviewed the position of the federal government and state attorneys general as well as the position taken by MicrosoftA competitors. The antitrust case brought against Microsoft was neither justified nor in the best interest of American consumers. Now, four years later, the courts have an opportunity to mitigate the mistakes made by the Justice Department and previous courts by supporting the settlement. The settlement being proposed is the right course of action to take. By forcing Microsoft to open their operating system, prevent unfair bundling, and create various forms of oversight, the settlement will address the concerns of those who called for this trial in the beginning. As an added benefit, accepting the settlement will provide a greatly needed lift for the national economy. The damaging effect of this case on our economy is obvious. In the two weeks when the first round of settlement talks between Microsoft and Justice Department collapsed, the value of Microsoft stock in the California Public Employees Retirement System fell by over $700 million. Our current economic climate is not one that can easily withstand another setback of that severity. I am including with this letter an article I wrote in July 2001 and a white paper written by our policy fellow, Helen Chaney. I hope this information is helpful to the court.

Sincerely,
Sonia Arrison
Director, Center for Technology Studies
Pacific Research Institute
755 Sansome Street, suite 450
San Francisco, CA 94111
451–989–0833 x107

MTC–00024656

From: dr2nd@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:17pm
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,
Clyde Reynolds
2012 17th Ave
Forest Grove, OR 97116

MTC–00024659

From: Phil Russell
To: Microsoft ATR
Date: 1/25/02 2:20pm
Subject: Microsoft Settlement

I respectfully ask that you carefully avoid being swayed by a massive Microsoft-led write-in campaign. I do not favor the ''billion dollars in computers and software to schools'' settlement for many reasons. It is difficult to trust Microsoft, given the lies Bill Gates is prone to telling. Would Microsoft claim the $429 cost for every copy of Microsoft Office it would give to schools? Or would they claim their actual cost of somewhere less than $2? I suspect the latter. When that copy of Microsoft Office has to be upgraded, doesn't this lock the schools into Microsoft products far beyond the initial copy of the application? Apple Computer is much admired and used in schools. This is one area where Microsoft does not have a 90 to 10 advantage over Apple. The proposed settlement would tear into Apple's share. Given the extreme wealth of Microsoft, gained while unlawfully running roughshod over other companies, one billion dollars in restitution is a huge joke. Perhaps 10 or 15 billion might be more rational. Microsoft is one huge predatory company, intent on taking over EVERYTHING in the computer and internet world and MORE. Strong penalties are necessary.

Thanks for listening to an every-day computer user.

Phil Russell
1420 SW Crest Circle
Waldport, OR 97394
541–563–2501

Explaining the proposed Microsoft punishment:

''...someone is caught breaking into your house, offers to repair the damage instead of going to jail, if they can put up a massive billboard for their house maintenance business in your front yard for six months...''—MacOpinion

MTC–00024660

From: Joel T. Osburn
To: Microsoft ATR
Date: 1/25/02 2:21pm
Subject: Please reject the proposed settlement

A quick review of pertinent Facts: * Microsoft had (and maintains) a monopoly on desktop computer operating systems. * Microsoft used (and still uses) this monopoly to extend it's reach into other markets. * Microsoft developed monopolies in other markets using this general tactic, including but not limited to: internet browsing software, office suites, entry level database software. * Microsoft violated a Consent Decree issued 15 July, 1994 (Civil Action # 94–1564, US vs. Microsoft (http://www.usdoj.gov/atr/cases/f0000/0047.htm), also as a result of abusing it's monopoly to stifle competition, and extend into new markets. * In court, Microsoft, including it's Chairman and it's CEO, repeatedly lied under oath. * By extending it's monopoly via these illegal means, Microsoft has grown at unprecedented rates for twenty years, and is one of the richest corporations in the world, with no debt, and a vast amount of cash. Observations regarding the impact of the above facts on consumers: * The price of software in those markets which Microsoft dominates has remained steady while in other markets average prices have dropped. * There have been no new innovations in general internet browsing software from Microsoft since they released version 5 of Internet Explorer over four years ago. The pace of innovation previously observed was a direct result of competition that no longer exists. Microsoft's Internet Explorer has yet to conform to published, accepted standards;

instead, web developers conform to Internet Explorer's peculiarities rather than the accepted standards. This leads to: By dominating markets, Microsoft has positioned itself and it's products as a defacto standard by extending it's monopoly. This prevents competition; potential competitors cannot meet an unpublished defacto standard, and therefore cannot compete; products developed in this manner appear substandard to the public, which expects behavior as per the ''standard'' set by the monopoly. Thus competition is stifled and innovation outside of Microsoft limited to those areas in which Microsoft either cannot or has yet to leverage it's existing monopolies to enter.

The proposed settlement fails to: * Compensate any of those affected, either directly or indirectly, by Microsoft's pattern of illegal behavior. * Require Microsoft to either adhere to published standards, or publish those features and behaviors that it has established as defacto standards. * Prevent Microsoft from tying any given new product to it's existing monopolies unbeknownst to the general public, through the common practice of requiring Non Disclosure Agreements before any information is exchanged or contract negotiated. Therefore a company must risk it's very existence under threat of lawsuits, in order to accuse Microsoft of repeating it's illegal behavior. * Provide expedient, impartial resolution of future examples of the same illegal behavior. A ''three strikes'' type clause may be appropriate, and I'll note that this particular case is actually a second strike, having been brought about by Microsoft's failing to abide by the Consent Decree it agreed to over seven years ago. * Provide any current or future competitors any assurance that they will be able to compete on equal footing, thus raising the requirement to even begin to compete. * Prevent Microsoft from holding equity in or substantial contracts with any direct competitors. They currently hold equity in Apple Computer, which is currently the only legitimate competitor for desktop operating systems, and have a major development agreement with Corel, makers of WordPerfect. This creates a potential conflict of interest for those ''competitors'': Apple Computer stopped shipping Netscape Navigator with it's personal computers, instead shipping Microsoft's Internet Explorer (which defeats Microsoft's argument that Internet Explorer is a part of the Windows Operating System, and, since this was in exchange for $150 million) constitutes illegal dumping); immediately upon receiving from Microsoft a major influx of capital along with a development contract, Corel stopped development of it's version of the Linux Operating System, and the version of the WordPerfect suite of ''office'' applications for the Linux Operating system. This would appear to be anti-competitive.

Please reject the proposed settlement; many more appropriate suggestions have been fielded for how to remedy the illegal behavior exhibited by Microsoft.

Thank you for your time.

Sincerely,

Joel T. Osburn

MTC–00024665

From: Peter C Lott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:21pm
Subject: USAGLott_Peter_1016—0115.doc
2700 S Sunland Drive
Tempe, AZ 85282–3387
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As I read more about the recent developments in the Microsoft settlement, I become more frustrated in the fact that it may be even further delayed. By delaying the enforcement of this agreement, we directly delay the advancement of our American technology industry. As the rest of the global market moves on, America's technology industry is forced to focus on litigation rather than innovation. Not only has Microsoft agreed to make changes in licensing and marketing, but has agreed to design future versions of Windows for easier installation of non-Microsoft software. Beyond this, Microsoft has agreed to be monitored by a committee in order to ensure that they follow proper procedure. All of these concessions are clearly a step toward a more unified technology industry. By working together, we help our American technology industry maintain its position of leadership in this highly competitive global market. As we face this competitive market, we must be prepared for the many changes involved in this industry. By being able to focus on innovation, we can be prepared for these changes and stay on top of the market. By enforcing this agreement, we will be able to utilize it as a guideline for advancement within the market.

Sincerely,

Peter Lott

MTC–00024686

From: John Coble
To: Microsoft ATR
Date: 1/25/02 2:23pm
Subject: Public Comment

This is a Public Comment on the proposed settlement among the Justice Department, the Nine States and Microsoft Corporation. I am also including comments about AOL in its recent filing: I have been a user of Microsoft Windows and many other Microsoft Products for many years. Definitively not because they are the only ones available, but solely because they are the best. (And indeed I have tried many others). No one using Microsoft Windows (any version) is forced to use MSN Internet Browsers as every computer manufacturer lists a wide range of other providers. As for many others including the worst AOL you can go to any computing store and many other stores and get a free CD to load in to your PC in a matter of minutes and use their service. Just because Microsoft has started including Internet Explorer as an integral part of Windows does not force you into something that you do not want. You can indeed delete their ICONS and use any other provider that you desire without any degrade to the general functioning of Windows. I was with AOL and used Netscape and found them to be rife with problems and forced spam of every thing from porno to advertising of anything you could name. I finally got off of AOL and went with QWest because they offered a high speed connection (DSL). I continued to use Netscape until I could no longer stand the errors and finally switched to MSN Internet Explorer and could not be happier. Every Microsoft product that I use is the best and at the best price.

Finally, I do believe that every one that appeared before the courts against Microsoft have in some way been connected to other manufactures or states. (Probably paid off). This case can be settled quickly if the U.S. District Judge, Colleen Kollar-Kotelly would issue an order that with any settlement there will be no money involved. Each party will handle their own legal expenses and once the Judge rules on the case, that is it. No further charges or appeals will be accepted. And for any person or group testifying against Microsoft they must be investigated to determine their ties to other manufactures, states and now AOL. As a final step in the settlement the Judge should ask that the nine states involved should report back to the court within one year on their actions to stop using Microsoft Products. This is a long dissertation; however, I am fed up with my tax dollars being spent on this insurrection against one of the best companies in the world by a bunch of money hungry companies/states that could not succeed on their own.

John T. Coble
2647 98th Ave. NE
Clyde Hill, WA 98004
425 454–4632

MTC–00024688

From: Frank de Lange
To: Microsoft ATR
Date: 1/25/02 2:22pm
Subject: On the Microsoft settlement

Dear sir/madam,

Even though I may not be a US citizen, I still want to add some comments to the proposed settlement in the case Microsoft vs. DoJ. I am a self-employed IT service architect, who has been employed by several Dutch and international companies. 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 GNU/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.

(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. 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 hacker, not a 'certified computing security professional'. I do not feel the need to be certified by any vendor, as these certifications usually are no more than a guarantee of sbujectivity. 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.

Kind regards,
Frank de Lange
Moldau 27
8226MV Lelystad
The Netherlands

MTC–00024689

From: pd@complex.Eng.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 2:23pm
Subject: Microsoft Settlement

I don't feel that the proposed settlement of the Microsoft anti-trust action adequately addresses the issue of monopoly. It lets the monopoly remain. I feel that the best solution would be to break Microsoft into at least 3 pieces, each with rights to the full intellectual property of the existing company. The new companies would then have to compete against each other. The disruption during the breakup would also provide some time for alternative competition to join the market or gain market share. I personally am an Apple MacIntosh user, and I am continually frustrated by the lack of ''shelf space'' that retailers provide for non-Microsoft products. I am also worried about the gradual creep of Microsoft software becoming the only supported software on Apple systems. My ISP, AT&T broadband, does not support Netscape as a browser or email client. They only support Internet Explorer and Outlook Express from Microsoft.

Thank you for your consideration,
Peter C. Damron

MTC–00024690

From: Lawrence F Povirk
To: Microsoft ATR
Date: 1/25/02 2:24pm
Subject: Microsoft settlement
8127 Brown Road
Richmond, VA 23235
January 25, 2002

To the United States Department of Justice:

Like many investors, I own, through various mutual funds, thousands of dollars worth of Microsoft (MS) stock. Yet, lately I find myself wishing MS would simply close down and vanish. Why? Because I am also a computer user. I spend at least half my working hours at the computer, and like most users, I have dealt with MS products for years. The quality of those products has been variable, but that has been true of most software, so I could not complain too loudly. If I found one of their products genuinely dysfunctional, I could dump it and choose a competing product, as I did several times. Lately, however, I feel I am being increasingly coerced into using MS products, as the alternatives have gradually disappeared. As anyone familiar with the industry knows, this is not because MS has come up with more innovative or more reliable software. Rather, it is because they have been able to target any popular piece of software they choose, use the cash flow from Windows to build a functional duplicate of it from the ground up, bundle their copycat version with Windows or sell it below cost, and drive their competitor out of business. This is classic, textbook monopolist behavior, and it is beginning to stifle the whole computer industry. We need not belabor whether MS acted improperly. Their culpability has already been established. What is at is issue is coming up with an effective remedy, that will restore some degree of consumer choice. It is not only companies harmed by MS's behavior, or consumers frustrated by their lack of choice, but disinterested industry analysts as well, who all agree that the settlement now proposed will do almost nothing to alter MS's mode of business or to bring competition back to the software market. There are, however, remedies that might actually make some progress toward that end.

First and foremost, no one should have to pay for a MS product that they do not want. I recently began shopping for a notebook computer, and found it was virtually impossible to buy one from a major manufacturer that was not preloaded with Windows. IBM and Dell both used to offer models with Linux instead, but no longer. Tellingly, both manufacturers took them off the market just when the Justice Department gave up its only real leverage in the antitrust case by removing the threat of a MS breakup.

This coercion of consumers to buy a product they do not want (Windows) in order to get one that they do want (a computer) is precisely what the antitrust laws were intended to prevent. Hence, at a bare minimum, a simple mechanism should be set up such that anyone can get a full refund for any piece of MS software that was bundled with any piece of hardware that they purchased. To circumvent MS's considerable skills in price manipulation, amount of the refund should be set at the greater of the amount the manufacturer paid MS for the software, or a fixed fraction, say 70%, of the retail price of the software. Moreover, the price charged by MS to manufacturers for preloaded software should be required to be published and uniform, so that MS cannot reward manufacturers for promoting MS's interests, or, more importantly, punish them for not doing so. If a consumer wants to return only part of an ''integrated'' piece of software say, keep Windows but get rid of Internet Explorer, they also should be able to do so, and get a partial refund based on the approximate size of that part of the software (i.e., number of lines of computer code) relative to the whole. Obviously, MS itself cannot be trusted to handle the refund

process itself; that will have to be done by an independent entity set up specifically for that purpose, and under court oversight. In the past, MS has argued that, were this to be allowed, users would return the software, and keep using it anyway, or use an illegal copy. But with MS's new authentication/registration requirements, this practice will become impossible, and their argument will become moot—the one small benefit of an otherwise reprehensible policy that may soon widen the ''digital divide'' into a chasm.

Second, to help level the field in application software, MS should be required to publish the specifications of its main file formats such as .doc, .ppt and .xls. Currently, I am often forced to use MS Word, a program I passionately hate, because coworkers send me documents in MS Word (.doc) format. While competing word processors have devoted considerable effort to creating filters to import and export .doc files, those filters not very reliable, partly if not primarily because the .doc format is secret and ever-changing. Publishing the specifications would probably not solve all interconversion problems, but it certainly would help. Furthermore, MS should be required to maintain input filters of their own for the next three competing applications (e.g., WordPerfect, StarOffice and Applixware word processors), so that documents created on those applications will open in Word, Powerpoint and Excel. Again, and unfortunately, an independent entity will have to be set up to monitor compliance. Even so, none of this even begins to address what may be a much greater means of coercion in the future: MS's apparent plans to make it more and more inconvenient for any Windows user to use any internet services that compete with their own MSN and Passport services. We are now getting only the first hints to what those tactics will be, but they are clearly going to be inextricably built into Windows, and virtually impossible for any Windows user to avoid. Given their control of so much of the basic operation of home and office computers, they really should be barred from providing network services at all. Given that such a restriction is unlikely, their behavior in this area will have to be closely monitored as well, to ensure that they do not shut out competitors entirely.

Of course, I realize that there are those who are perfectly satisfied with the closed, controlled world of computing provided to them by Microsoft. But 20 years ago, there were those who were equally satisfied with AT&T's monopoly phone service, and were dumbfounded at the government's effort to break it up. There were even those who were satisfied with the state-controlled monopolies of the Communist era. That doesn't mean they should have been preserved. History has taught us over and over again that monopolies are a stagnating, corrosive influence on any industry they control, whether it's oil or software. In every case where they were broken up, the result was a wave of innovation and expansion, often going beyond the dreams of even the most enthusiastic trust-busters. I would challenge you to name a single case where the forced restoration of competition in an industry, resulted in worse products being available to consumers. Despite their stability and economies of scale, monopolies are, invariably, a bad deal for consumers, entrepreneurs and society at large; a bad deal for everyone but the monopolists themselves. Microsoft is no different. A copy of this comment in PDF format with facsimile signature, is attached.

Sincerely,
Lawrence F. Povirk

MTC–00024691

From: Robin Downie
To: Microsoft ATR
Date: 1/25/02 2:25pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

The enclosed letter is for your consideration.

Thank you,
Robin Downic
2684 Elm Drive
Brier, WA 98036–8940

January21, 2002
Attorney General John Ashcroft
US Deparment of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to urge you and the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for over three years and it is time to put it to rest. Microsoft and the industry need to move on.

Some critics say that Microsoft has gotten off easy. In fact, the settlement is quite strict. Microsoft agreed to give computer makers the freedom to install and promote any software that they see fit. Microsoft has also agreed not to enter into any contract with any computer maker that obligates the computer maker to exclusively promote Microsoft software. In fact, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. In order to move forward, Microsoft has The settlement is fair and should be accepted. forward is to put the case in the past. made many concessions. The only way to move

Sincerely,
Robin Downie 00024691—0002

MTC–00024691

From: Tony Magnuson
To: Microsoft ATR
Date: 1/25/02 2:25pm
Subject: anti-trust case

The settlement was presented in a way that showed Microsoft's cost in settlement as inflated. The perception is one of Justice serving special interests. This is in the face of the large cache of capital Microsoft maintains which constitutes a tax break for the company and its investors and inflates the value of its stock. A decision by Justice should foster competition, increase shareholder value overall, increase transparency, and send a message that dissembling tactics are not acceptable, even by powerful corporations. I believe the original proposal to break Microsoft into discrete units would have accomplished this. Microsoft is not the only company in the tech arena to be guilty of such tactics, but it represents a clear starting point. This action should not finish with a settlement like this that shows the federal government partnering with Microsoft in wrongdoing. This action should be a beginning of scrutiny of the standards of behavior for industry and the nation as a whole. You will remember Enron.

I am a small business owner and investor in Northern California and user of Microsoft products. I do not want a refund from the company nor anything that would benefit the company nor even the sector specifically. Such a settlement would validate legal bullying and squabbling as a method of reducing competition. I would like to see any settlement invested in the establishment of fairness and transparency in industry as a whole.

sincerely,
David Magnuson
Moss Beach, California

MTC–00024693

From: John (038) Sandee Walker
To: Microsoft ATR
Date: 1/25/02 2:27pm
Subject: Gates lawsuit

This is not about forcing people to buy browsers other than Microsoft. This is about inferior products being pawned off on unsuspecting consumers. The average computer owner has little or no knowledge of how their computer operates—they shouldn't have to it should be designed to work for them. Bill Gates puts out inferior products before they are perfected. He has the money to hipe his products. Unsuspecting consumers have to go through hell using his inferior products. Hard working quality minded smaller companies interested in coming out with superior products don't have the funds or connections to get their products included in the sale of a computer. The general public will benefit because small businesses with superior products are benefiting because Bill Gates has been called on the carpet for unscrupulous tactics. Please realize Bill Gates is not interested in quality product. His ONLY interest is quantity profits at any expense.

MTC–00024694

From: Rick Peterson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:14pm
Subject: Microsoft Settlement

Your Honor,

I have worked in Silicon Valley for 15 years and have personal contact with many high-tech companies. There is a very common theme and that is ''fear of Microsoft''. Microsoft has clearly abused their monopoly. There are companies that never get funded because they predict that Microsoft will not allow the competition. This is unhealthy for our economy! We need the best technology and the best software to have a chance to make it to the marketplace and to compete fairly there. This won't happen if Microsoft is somehow threatened by it. Microsoft has demonstrated its

complete disregard for the law. They do not operate with honor or fairness in the marketplace. Please do what is right and needs to happen. Please break up this ruthless monopoly and force Microsoft to play by the rules of commerce, that govern our great country.

Sincerely,
Rick Peterson, IDSA
Vice President
Studio RED
Tel:650.324.2244 x231
Cel:650.722.2782

MTC–00024695

From: Shulamit
To: Microsoft ATR
Date: 1/25/02 2:24pm
Subject: Microsoft Settlement

Under the Tunney Act, the court must consider public comments prior to deciding on the Microsoft proposed settlement. I am writing to urge you to reject the proposed settlement offer. It does nothing to solve the problem of Microsoft's monopoly and in fact will increase Microsoft's stranglehold in the education market, further adding to the problem.

MTC–00024696

From: JT Thomas
To: Microsoft ATR
Date: 1/25/02 2:27pm
Subject: Microsoft Settlement

In the words of Robert X. Cringely (from pbs.org): 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 loophole (as well as others, but I find this the most offensive) are unacceptable. Please reconsider the settlement decision.

Thank you for your attention to this matter.

MTC–00024697

From: jeff
To: Microsoft ATR
Date: 1/25/02 2:29pm
Subject: Microsoft Settlement

Hello Renata—

As a resident of Washington you would think I would be favoring Microsoft in this action. That is not the case. The current settlement actually has the effect of further strengthening Microsoft's monopoly. Make them give the school cash and let the schools decide on what equipment and software to purchase.

Apple Computer has traditionally been very strong in the education market and this is simply a backdoor play for Microsoft to gain market share.

Thank you for letting me voice my opinion.

Jeff Chin

MTC–00024698

From: jpence711@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:28pm
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,
Jamie Pence
PO Box 752
Clinton, MO 64735–0752

MTC–00024699

From: Landrus, Kurt
To: Microsoft ATR
Date: 1/25/02 2:30pm
Subject: Microsoft Settlement

I think this settlement is an extremely bad solution. This is not a punishment form Microsoft monoplistic prcatices, it merely enables them to expand into another niche market (education) they do not yet already own.

They have plenty of cash, the settlement should require them to put up cash not donations of MS software.

Please stop this insaity from being approved.

Kurt Landrus

MTC–00024700

From: CICBV@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:30pm
Subject: Microsoft Settlement

Dear Sirs:

The settlement with Microsoft seems fair and equitable and should be settled. It would seem that at this point in history the people would be better served utilizing government resources in more productive ways.

Sincerely yours,
Claudia Pletter

MTC–00024701

From: niner@xel.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:31pm
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,
J. NINER
149 Topaz
Kissee Mills, MO 65680

MTC–00024702

From: Connie Wickland
To: Microsoft ATR
Date: 1/25/02 2:32pm
Subject: Microsoft settlement
9928 181st Avenue NE
Redmond, WA 98052
January 25, 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 opinions regarding the Microsoft antitrust case. I believe that your office reached a fair and reasonable settlement that should allow the industry to return its focus to innovation, rather than litigation.

Microsoft has already agreed to concessions that have set new antitrust precedent. The competition will be allowed to use Windows as a springboard to launch their products that compete directly to those programs already included within Windows. Also, Microsoft will disclose, for the competition, various interfaces in its Windows operating system. Most importantly, Microsoft has agreed not to retaliate against any software or hardware developers that develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft has made these concessions because it realizes that settling the case sooner is better than later. If these concessions were asked from more traditional and understandable industries, I think they would be denounced as going against the principles of competition and free enterprise. Imagine if every Coke can had to have a sample of Pepsi inside, or if McDonalds had to offer Burger King's Whopper to those that wanted it. Would that be reasonable?

This settlement will allow the consumers, the industry, and the economy to move forward. I hope when reviewing this case it will be judged it by its merits, and not by the everlasting chain of competitors'' demands.

Sincerely,
Connie WicklandGet more from the Web.
FREE MSN Explorer download :
http://explorer.msn.com

MTC–00024703

From: Jay W. Luther
To: Microsoft ATR
Date: 1/25/02 2:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

United States v. Microsoft has been a long and complicated case, and a detailed critique of the proposed settlement it has spawned is best left to those who have considered the implications of every line. As one who has represented software concerns, and has some sense of the industry, I would simply offer my conclusion: It is highly likely that the proposed settlement will be completely ineffectual. Put another way, it appears to me that it will have no impact on the industry as the industry currently exists, though some of its provisions might have been modestly helpful in preserving browser completion during the Netscape-Explorer fight.

Particularly egregious here is the carve-out of the free software movement from essentially all of the proposed judgment's benefit. In operating systems, this is the only competition to MS that is significant today, and if there is to be any benefit to consumers from the judgment, open source representatives must have full, complete, and prompt access to all significant interoperability data for Windows, MS middleware and MS Office, with access being controlled by disinterested third parties. This is also true for all competitive office applications. After all these years, it's time to bring to a close the famous axiom, ''DOS's [Windows's] not done ''til Lotus [WordPerfect, Netscape, etc.] won't run.''

Jay W. Luther
Law Offices of Jay W. Luther
Voice: 415–456–6197
Fax: 415–456–8597 00024703—0002 01/29/2002 10:08

MTC–00024705

From: Thomas M. Ferlauto
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

I oppose the settlement. Microsoft has proven to be a monopolistic predator. From Netscape to Java to countless other examples, Microsoft has used its dominate position in the PC desktop OS market to bully competitors or even drive them out of business. The justice department, at the tax payer's great expense, prevailed and demonstrated Microsoft to have violated the law. This settlement renders all of that effort futile and teaches Microsoft the valuable lesson that you can violate the law, but if you fight like hell in the courts you can get away with it. This will only encourage Microsoft to continue its illegal behavior (to this day, Microsoft contends they did nothing wrong). To teach Microsoft a lesson, to deter future criminal conduct, to make Microsoft a good corporate citizen, to foster free competition, and to benefit the consumers, it is imperative that the settlement be rejected and more drastic remedies be sought.

The problem is Microsoft's dominance in the OS market. This gives Microsoft the power, which they are too at ease with using, to dominate every other aspect of computing. Control over the OS leads to control over office suites, which leads to control over web browsers, which leads to control over internet access and content. This domino effect will never end until Microsoft's OS division is made a separate company from its software and internet divisions. That is the remedy that I suggest.

MTC–00024706

From: C.D. Larson
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

Dear DOJ Team:

First, thank you for all you've been busy doing on the terrorism front. I deeply appreciate and support what your team has been doing—both publicly and behind the scenes—to keep all of us safe. I'm writing regarding the Microsoft Settlement. I've been in the computer industry for some number of years and have seen how Microsoft operates, and I'm disappointed by the proposed settlement. It stifles competition and the economy, and is a real disaster for our industry. Once upon a time, there were many companies who made workable word-processing programs. Innovation and competition flourished. How many such firms can you name today? Not many, I'll bet. That's because of Microsoft's aggressive tactics with Microsoft Word. Is it the best word processing program out there? Hard to say, because nobody compares any more. And there's almost nobody around to compare TO. And that's what I'm talking about. There should be dozens of companies, writing great products and competing on price. And they should be around the world, not just in Seattle.

What our industry is objecting to is Microsoft's continued rampage against area after area of computing. First it was operating systems, then spreadsheets, then word processing, then browsers. Databases are next, followed by imaging. My company's offerings are next; MS is copying our technology to use in their product so they can tell us to go fly a kite. I am not arguing against competition; I'm suggesting we should HAVE some.

My objection is not to Microsoft's ''ability to innovate'', it's their ability to keep others from innovating. By crushing other firms, they force everyone to use their product regardless of what it costs or how good it really is. That's bad for competition, bad for products, and bad for our country.

I think the settlement—especially in the face of the judge's findings in the case—is a weak slap on the wrist and will not address any of the grievances made. What should be done? I don't think it's necessary for the company to be broken up IF they could be successfully kept out of the applications world.

Charles D. Larson, Jr.
Senior Manager, Technical Marketing
Writing as a Private Citizen

MTC–00024707

From: Johnny Hsu
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

DO NOT SETTLE

Settling with Microsoft will only allow them to substantially increase the market share in core industries where their only competition have an edge. To do so will only hinder the efforts of other companies to operate in a competitive society. To do so will allow Microsoft a backdoor into business areas they've always had trouble breaking into. Microsoft has billions of dollars behind its name, and plenty of this available in cash. A settlement with their goods would cost them a minute fraction of the entire settlement value. A settlement by definition implies some kind of wrongdoing. When a kid does something wrong, you don't just let them go. Good parents will punish them so that they do not make the same mistake again. Allowing them to settle with their products is barely a slap in the wrist. If a settlement is deemed necessary, then the government should punish them realistically, by forcing them to donate cash, not goods or services, on demand. Too many companies have been bullied out of competition through vaporware, through bullish and threatening tactics, through unfair business practice. Any other settlement besides a billion dollar cash settlement would be unjust.

MTC–00024708

From: Frank
To: Microsoft ATR
Date: 1/25/02 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,
Frank Partipilo
234 W Main St
Waukesha WI 53186

MTC–00024709

From: Schulz54@aol.com@inetgw
To: Microsoft ATR

Date: 1/25/02 2:36pm
Subject: Microsoft Settlement
To whom it may concern:
I think the proposed settlement between the Department of Justice and Microsoft is not in the interests of consumers. Please reject this settlement and adopt the one proposed by the nine states.
Sincerely,
E. Matthew Schulz
117 South Scott Blvd.
Iowa City, IA 52245

MTC–00024710

From: spookalew@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:34pm
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,
Robert Lewis
5675 Brynwood Lane
Ash Grove, MO 65604

MTC–00024711

From: sev
To: Microsoft ATR
Date: 1/25/02 2:34pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea.

MTC–00024712

From: Dale Caughey
To: Microsoft ATR
Date: 1/25/02 2:40pm
Subject: Dear Sirs:
Dear Sirs:
Further llitigation is a wste of taxpayers'' funds. Every end user had the opportunity to pick Netscape of Microsoft's Browser. I, like most users picked the better browser.
For the unpicked Netscape to seek the protection of a court is absurd;
Judge Jackson should have recused himself, or resign his position, as he didn't, nor does understantthe American system of fair play.
Dale Caughey, JR

MTC–00024713

From: Matt Bingham
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: MS Antitrust case.
How to put it succinctly...? You let em go with a warning. (Rhetorical:) Anyone at DoJ actually believe you won't have to do this again in 5 years and do it right?

MTC–00024714

From: Scott Bergstrom
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Your Honor,
Those businesses behind the antitrust action against Microsoft are simply second-rate. That they failed to win my allegiance and that of the consuming public is not a product of Microsoft's ''vicious business practices'' made their products hard to get, but a result of the inferiority of their products. As a former Macintosh user, I switched to Windows when I realized that it was, in my opinion, a better program. The same applies to Microsoft Explorer vs. Netscape Navigator; the former is simply a better product.
I resent immensely the implication that somehow, as a member of the public, I have in any way been duped by Microsoft's practices. To the contrary, they have given me products of tremendous utility at little or no cost.
In short, they're guilty of nothing more than doing business well and providing services to the public cheaply.
I'm writing this to you not as a political activist but as someone who believes—strongly—that the courts should not be suckered by second-rate businesses who are not adept enough in their industry to take on honest and fair competition.
Sincerely,
Scott Bergstrom
Scott Bergstrom
Sr. Copywriter
J. Walter Thompson Specialized Communications
466 Lexington Ave., New York, NY 10017
T: 212–210–1162
F: 212–210–1097
scott.bergstrom @jwtworks.com

MTC–00024715

From: Joseph Roni
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Department of Justice:
We read with dismay the recent news that AOL-Time Warner has brought suit against Microsoft on behalf of Netscape. We feel this is a political attempt to influence your decision against Microsoft.
Again a few special interest groups are attempting to use this review period to derail the settlement of the Microsoft case and to prolong the litigation even in the midst of these uncertain economic times. As a private citizen my wife and I object to continuing this litigation. The last thing the American economy needs is more litigation which benefits only a few wealthy competitors who cannot compete with their own innovation.
Please don't let these special interest groups defeat the public interest. My wife and I are retired and our invested retirement worth has declined significantly since this litigation was initiated and it seemed to us that it was one of the leading causes for the rapid decline of the NASDAQ stocks and the stock market in general. Let's settle this thing now for the good of the consumer, the industry and the American economy.
Regards,
Joseph and Virginia Roni
Federal Way, Washington

MTC–00024716

From: aleonczy@student.umass.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Section III,2,b clearly allows Microsoft to retaliate against an OEM that is or is contemplating shipping a PC without a Microsoft operating system. This is unacceptable. Microsoft should not be allowed to realiate against an OEM that ships a PC which does not include a Microsoft operating system. ''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;'' (US vs MS PFJ)
I propose an amendment: (c) does not include a Microsoft Operating System
Thank You for your consideration,
Andrew Leonczyk

MTC–00024717

From: Stephen Fountain
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:38pm
Subject: Microsoft Settlement
Stephen Fountain
374 West Daffodil Rd
Ruckersville, VA 22968
January 25, 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,

Stephen Fountain

MTC–00024718

From: Paul Hayes
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft

I am appalled that so little has been done to deter Microsoft from continuing their business practices. They have clearly and repeatedly operated in a way counter to fairness, they are unquestionably a monopoly, and they constantly squelch competition. These certainly seem to me to fall within the purview of the US Justice department, and yet you do nothing. It removes my faith in our system of jurisprudence to see these maladies go without remedy.

Thank you for your time.

Paul Hayes —

Why waste time learning when ignorance is instantaneous?—Hobbes

MTC–00024719

From: Bert Rivera
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement

Dear Judge,

Please do not let justice become a victim in the Microsoft monopoly case. This PFJ should terminate Microsoft's illegal monopoly. The PFJ SHOULD deny to Microsoft the profits of its past behavior and penalize them. The PFJ SHOULD prevent any future anticompetitive activity. Please make sure Microsoft doesn't get their hand slapped. They are a MONOPOLY!

Thank you.

Sincerely,
Bert Rivera
5444 West 138th Place
Hawthorne, CA. 90250

MTC–00024720

From: Zachary J. Paradis
To: Microsoft ATR
Date: 1/25/02 2:37pm
Subject: Microsoft Settlement

i just wanted to voice my opinion that i believe that Microsoft had been bullying companies for years. they have caused the demise of more than a few tech companies with bright futures. these companies could have continued to thrive and employ people today. microsoft's products are generally less robust and less secure than their competitors, yet their monopoly in the OS/intel market has continually allowed them to win out. the Graphical User Interface, the Media Player, Chat Software, etc., are all examples of software which MSFT has essentially stolen, reproduced crappy versions of and then tied to their OS.

i believe settlement should NOT include the donation of any microsoft products to schools, non-profits, etc. instead, it should be a significant(more than the 1 Billion dollars offered) fine, reparations to the likes of Apple, Netscape, Yahoo, etc., as well as a break up of the company. i also believe it is imperative that the government does NOT use microsoft software. not only is it not secure, but it contributes considerably to the problem.

it is possible to create and open standard with which unix, macOS, linux AND windows could work...

microsoft is just not interested in doing it. for the sake of the country's technological future, it is imperative that the government forces microsoft to open up.

zachary j. paradis
chicago, il

MTC–00024721

From: Steven Marx
To: Microsoft ATR
Date: 1/25/02 2:48pm
Subject: Microsoft Settlement

I am completely opposed to this so-called settlement which imposes no penalties for Microsoft's monopolistic actions and has so many pro-Microsoft loopholes that it would allow the company to continue with any behavior it chooses. The DOJ is acting as if it lost the case and must accept Microsoft's term. Instead, it of course won the case in court and on appeal in every respect. Microsoft should be actually punished for their past behavior and put under severe and enforceable oversite in the future. Any restriction must be quickly enforceable rather than what has happened in the past such as this case, where they tie things up in court for years as they further expand their illegal monopoly as they have with Windows XP and their new software licensing scheme. The current agreement does nothing of any significance, it is actually worse than nothing as it fails to punish and allows Microsoft to continue business as usual. Remember, YOU WON.

Steven Marx, Ph.D. —

MTC–00024722

From: Ben Kuryk
To: Microsoft ATR
Date: 1/25/02 2:45pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea!

MTC–00024723

From: Kansas Legislative Education (038) Research
To: Microsoft ATR
Date: 1/25/02 2:45pm
Subject: Microsoft Settlement
January 25, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

On behalf of KLEAR, Inc., an association of Kansas state legislators representing nearly a third of this state's current House and Senate office holders, I write today with their explicit authorization in strong support of the proposed Final Judgment to the Microsoft antitrust case offered by the U.S. Department of Justice and endorsed by nine state attorneys general. Regrettably, Kansas is not yet among the states agreeing to end their pursuit of this ill-conceived litigation. However, we will continue to press the free-market rationale for an end to this counter-productive legal course. With the direct means at our disposal, we have already severely restricted the state resources that may be devoted to its prosecution. The rationale for ending the litigation is squarely in line with our KLEAR philosophy. We stand for the Constitutional principles of limited government, individual liberty, free enterprise and traditional family values. From its initiation forward, the antitrust action against Microsoft has been an affront to these principles that hold real hope in achieving the greatest good for the greatest number of people.

In harmony with a glut of esteemed economists and legal scholars from around the country, we consider the justification for the lawsuit to be baseless. New competitors have emerged to challenge Microsoft's well-earned dominance. Consumer have benefited greatly from reduced prices and improved products. In fact, conspicuously absent at trial and in endless media accounts of the controversy is any evidence that consumers have been harmed. To the contrary, Kansans have lost hundreds of millions of dollars as a result of the antitrust litigation. Our own pension program for government employees in this state has seen its unfunded liability mushroom as a direct product of the legal attack on Microsoft.

When we take into account such tangible negative effects, the fragile case theory, the inappropriate and counter-productive remedies imposed by Judge Jackson, and the threat to this country's core principles of liberty, our decision to support the proposed Final Judgment to this lawsuit is

KLEAR-cut.

Sincerely,
Bob L. Corkins
Executive Director
Kansas Legislative Education & Research, Inc.
827 SW Topeka Blvd., Topeka, KS 66612
785.233.8765 phone
928.244.3262 fax
ks-klear@swbell.net

MTC–00024724

From: iain
To: Microsoft ATR
Date: 1/25/02 6:44am
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing to express my concern over the Microsoft settlement. This settlement is extremely limited, and absolutely unacceptable and ineffective in limiting Microsoft's predatory, anti-competitive behaviors that have resulted in its massive wealth and monopoly. Sorry I don't have time to write more,

Best Regards,
Iain Huxley.

MTC–00024725

From: Eric C. Forat
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement

Your Honor: this Settlement offered by the DoJ is a disgrace to Justice in the US, and it will besmirch whatever was left of the image of impartial justice after the arrival of ''barely President'' G.W. Bush. In most their endeavours until now, his administration has consistently betrayed their oath to protect the Constitution, and has certainly been the the

worst administration since the good bad days of Nixon's. I dare hope that the independent Judiciary will not buckle under their relentless pressure. Please be true to the ideals of Justice that certainly you held once, and do not unleash a rogue Monopolist to continue its depredations on the American future.

Sincerely yours,
Eric C. Forat

MTC–00024726

From: Bonnie Williams
To: Microsoft ATR
Date: 1/25/02 2:46pm
Subject: Microsoft Settlement
Letter attached.
Bonnie Williams
Have a nice day!
bonniew@txcyber.com

MTC–00024726–0001

7562 Highway 21 W
Madisonville, TX 77864
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intent of this letter is to urge the Justice Department to enact the settlement reached with Microsoft last November. The settlement that was reached is extremely fair and represents an end to this attack against Microsoft. I would hope that after three years of extensive mediation, the Justice Department would finally be satisfied with its pursuit of this antitrust dispute.

Further, the settlement that was reached will benefit consumers of the technology industry. With the interim release of Windows XP, Microsoft will enact a mechanism into the Windows system that will enable users to add and delete programs into their operating system. Thus, users will have increased power to configure their operating systems to their own accords. IF MERGEFIELD PARA2 1/2PARA2+<>

These terms are obviously beneficial to consumers. In addition, enacting this settlement will increase confidence in the technology industries once again. I would hope that the Justice Department recognizes the benefits in enacting this settlement at the end of January. IF MERGEFIELD PA RA4 1/2PARA4+<> IF MERGEFIELD PARA5 1/2PARA5+<>

Sincerely,
Bonnie Williams 00024726——0002

MTC–00024727

From: Kodi Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement
Kodi Wright
PO BOX 118
Oakton, VA 22124
January 25, 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,
Kodi Wright

MTC–00024728

From: Mark Smith
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:44pm
Subject: Microsoft Settlement
Mark Smith
123 Easy Street
Springfield, NJ 08831
January 25, 2002
Microsoft Settlement
U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

To Whom it May Concern;

Wazzzzzup?

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.

Your truly
Mark Smith

MTC–00024729

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 2:46pm
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,
Barbara Mecham
916 Heather Drive
San Carlos, CA 94070

MTC–00024730

From: David Grantham
To: Microsoft ATR
Date: 1/25/02 2:50pm
Subject: Microsoft Settlement

As a person that has been using computers since the early eighties, I personally welcome the changes that Microsoft has developed. People tend to forget that before Windows 3.11 and then Windows 95 was released computers were fairly difficult for average users to deal with. The ease of use of these operating systems helped substantially with the boom in computer sales and usage to the everyday consumer.

Even with these advances however many manufacturers of computer systems insisted on adding their own software to systems to make them even *easier*. From a purely technical standpoint many of these added features made useing the system much more difficult due to incompatibilities and poorly written software that made the operating system unstable. Microsoft in order to protect itself did the right thing by dictating what should be on the desktop and how the user should see the system. It is their operating system and it should be work as they see fit.

The inclusion of Internet Explorer with Windows has only improved the useage of the internet. When I first ventured into the world that is the internet I was only provided with a copy of Netscape Navigator...version 1. IE did not even exist yet. For years I used Netscape only, even after IE came out because Netscape offered a superior product, and it was free. However with version 4 of IE that changed.

I was able to download another free browser that offered a faster cleaner web experience. In comparison Netscapes offering was slow and clunky. Therefore I quit useing Netscape and have stuck with IE ever since.

Once IE was melded with Windows 98 it only improved the operating system, makeing navigation in Windows easier. Netscape as a free download still worked under Windows though and in no way did Windows 98 + Internet Explorer keep me from useing Netscape Navigator...instead it was the slowness and instability of Netscapes browser that let IE change my opinion of it. Some argue that Microsoft cripples the Netscape browser when installed on Windows systems. I have never personally experienced this as Netscape on Linux is just as slow and problematic as it is on Windows.

To me without Microsofts efforts we would still be useing many diffrent incompatible systems and the computer boom never would have happend. As it stands today we have three desktop platforms,

Microsoft, Apple, and the many diffrent Linux Distributions. Microsofts monopoly of the desktop has offered us the ability to finally have a compatible platform without the worries of transferring files between numerous types of computers and operating systems. Apple gives us a similar platform offering just as much as Microsoft albeit at prices most people reject. Which leaves Linux as an upstart that may one day work out its usability issues but today still offers more incompatibilities than anything else.

Microsoft should be allowed to dictate how its operating system is distributed on computer systems and what software can and cannot be bundled with it. Without this we will be thrown back to the years where there was more time spent with the headaches of incompatibility and instability than with productivity. Microsoft has done nothing but improve the lives of computer users and should not be punished for this. Instead they should be thanked for pulling all of us out of the dark ages of computers and continuing to provide us with more software features.

MTC–00024731

From: Eric Tooley
To: Microsoft ATR
Date: 1/25/02 2:51pm
Subject: Microsoft Settlement

The Microsoft settelement in my opinion does not stop Microsoft from unfairly using it's market dominance in it's operating systems to control software markets. Microsoft should be split into two companies, software and operating systems.

Thank you for your time.
Eric Tooley
Fireball

MTC–00024732

From: clif
To: Microsoft ATR
Date: 1/25/02 2:51pm
Subject: Microsoft Settlement

Dear Sirs,

I feel there are maney problems with the proposed Microsoft Settlement. One is that you have not realy addressed the applications barrier to entry.

Another 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.

Thankyou for your attention,
Clif Cox; system administrator

MTC–00024734

From: Max
To: Microsoft ATR
Date: 1/25/02 2:52pm
Subject: Microsoft Penelties

I think the government should do more in regards to the antitrust case against Microsoft. Microsoft continues to use it's monopolistic market position to gain unfair competitive advantages with it's Windows XP product. The settlement should include more specific measures to restrict this type of behavior. I understand that the government is attempt to expedite the process and bring to a close the case which has dragged on for far too long. But unless the government comes up with a settlement that addresses future products and behaviors more completely, I fear that we will witness the same actions that caused the need for this trial in the first place. We will be in the same place and spend even more of the tax payers money to bring to trial Microsoft again. Isn't the legal process suppose to keep wrongful actions from occurring again, rather than just punish for what has happened in the past? Indeed, we are already witnessing this (Microsoft) corporate repeat offender in action again with Windows XP. enough is enough!

MTC–00024735

From: Alison N. Smith
To: Microsoft ATR
Date: 1/25/02 2:53pm
Subject: Microsoft Settlement

I think that the proposed settlement with MIcrosoft is a bad idea.

alison smith

MTC–00024736

From: Mike Su
To: Microsoft ATR
Date: 1/25/02 2:53pm
Subject: MS/States settlement

Dear Sir or Madam:

This is a matter of ANTITRUST. The proposed settlement only further encourages more monopolistic activities by Microsoft. This is not a punishment in any sense. The settlement is but a tool for MS marketing.

Ying Fu Su
47 Ceadr Street
Chapel Hill, NC 27514

MTC–00024737

From: Jeff Disher
To: Microsoft ATR
Date: 1/25/02 2:52pm
Subject: Microsoft Settlement

Hello,

I do hope that you will not allow Microsoft to settle under the current terms. First of all, it is a very small penalty ($1 billion) in comparison to the amount of money they have made by committing these crimes. This would not properly ensure a deterrent to stop them from doing it again. Also, the distribution of this money as their own products is purely ridiculous. Note that, since Microsoft would be primarily donating their own software to parties that would not otherwise be buying it, they aren't actually spending any money to provide these reparations. Most important is the long-term effect of this settlement on the receiving markets. Since these markets were going to continue using products made by the competitors of Microsoft, they would now be in a position where it was in their best interests to continue using the software they had acquired for free rather than paying to update what they were using. This will have a terribly detrimental effect on the computer software industry since none of their competitors would be making sales to these markets. In effect, this settlement would be perpetuating and aiding the problem that it was meant to solve. This is simply ridiculous since it leaves the software industry in a worse condition than it was before this began.

I can see a few reasonable solutions: 1) Uphold the earlier decision of the court to break-up the company and proceed with that (bad side effects: short-term disruption in the computer industry on a theoretical level. Since the application and operating system devisions of the company would still exist, albeit as different parts, they could still service all of their customers. The only difference the end-user would notice would be a change in the company name and logo but that shouldn't effect their productivity. Good side-effects: potential to open new markets that were formerly unreachable by competing companies as well as potentially stronger long-term revenues of technology companies currently under financial pressure. Primary benefits would be to companies distributing alternative operating systems, competing office suite products and platform-independence tools such as Java).

2) Insist that Microsoft pay a greater settlement fee than $1 billion and insist that it is in cash, not their own products (bad side effects: this would not actually solve any problem relating to this case. Good side effects: the markets receiving this money would immediately benefit from it. All companies in the market would benefit from the spending of this money in more ''fair'' measures).

I hope that my ideas and your experience can help resolve this issue in a method that could benefit all parties involved to their owed degrees.

Sincerely,
Jeff Disher
President and Lead Developer of Spectral Class

Spectral Class: Shedding Light on Innovation
http://www.spectralclass.com/

MTC–00024738

From: Eric Anderson
To: Microsoft ATR
Date: 1/25/02 2:54pm
Subject: Microsoft Settlement

To whom it concerns:

I understand you're soliciting feedback on the proposed ''Microsoft Settlement''. I have

not read the settlement. What I know about it has come from television, radio and print media. From what I know of the proposed settlement, I share the concern expressed by those who believe that if Microsoft is allowed to provide that quantity of hardware and software to schools, this may unfairly expand Microsoft's market share in an area they are not presently dominating.

I believe there is a simple answer to this concern. Take the dollar value of the hardware and software that Microsoft will donate, and allow the recipients to choose what hardware and/or software they prefer to work with. This suggestion likely tacks on some administrative cost, but if Microsoft really wants to be fair, they should not be opposed to it, and should be willing to re-negotiate the deal to reflect this approach. Even if it costs them more money.

That's my opinion.

God bless America.

Eric D. Anderson

653 4th St. N.

Hudson, WI 54016–1051

MTC–00024739

From: Ross Kinzler
To: Microsoft ATR
Date: 1/25/02 2:54pm
Subject: Microsoft Settlement

I oppose the proposed settlement for the following reasons: a) The proposed settlement provides for no monetary payments by Microsoft. b) The term of the agreement is limited to 5 years and it should provide for a permanent injunction.

Ross Kinzler

Executive Director

Wisconsin Manufactured Housing Association

MTC–00024740

From: mpreul
To: Microsoft ATR
Date: 1/25/02 2:47pm
Subject: Microsoft Settlement

Microsoft needs to be broken up—come on government get with it. Making the operating system and the software to run on it is just plain not fair. I read somewhere that this is akin to a situation wherein the post office would be the only one selling the letters and boxes, and then sells the stamps to send them. But this is not right— what Microsoft has is the not just the letters and boxes, they're the only ones with the secret to making paper and cardboard and the right to sell the letters and boxes, and the stamps to run on them. This is more like if GM were the only ones to build cars, and that in order to run at over 30 mph, you had to buy gasoline produced by GM—this just is not fair. Our computer wrold will not fall because of Microsoft's break up—this will allow entrepreneurs to step into the gap.

Take Microsoft apart!!

Mark Preul

8628 E. Davenport Dr.

Scottsdale, AZ 85260

MTC–00024741

From: Richard Gorton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement (it is a joke)

Sirs,

The proposed anti-trust settlement with microsoft is, as far as I can ascertain, a joke. The terms are so vague as to be completely ineffective. The harshest penalty possible appears (to my reading) to be: ''You were bad. Since you were bad, we're going to watch you longer to see if you are bad some more''. As for the terms, I was able to come up ways to completely nullify/circumvent a couple of them with only a few minutes of thought. And that's without being an attorney. Personally, I believe a much more effective way to halt Microsoft's continued traditional predatory behavior is to break them up, into a minimum of three groups, and to put chinese walls between them.

Regards,

Richard Gorton (for myself)

161 Temple St.

Framingham, MA 01701

MTC–00024743

From: Steve Steele
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please DO NOT allow Microsoft to ''give away'' software licenses to schools. Please make them instead give money to an independent third party institution that will act as a fund for school systems to purchase the computer systems of their own choice. Allowing them to give away or donate the Windows OS will just allow them to become a bigger monopoly.

Sincerely,

Steve Steele

Systems Admin.

Rice University

MTC–00024744

From: Ben Hall
To: Microsoft ATR
Date: 1/25/02 2:58pm
Subject: Re: Public comments ending soon in MS/States settlement

Please do something to make sure that Microsof cannot just walk away from this with their stock two dollars off the mark for a couple of months. I have been in the technology sector for more than seven years and everytime they have encroached on a technology it has turned out to completely stagnate the said area of development. If there was one instance of Microsoft not trying to completely control whatever they touched it would be one thing but I have yet to see a technology that they have not stolen and changed 10% only to then call their own. Thier OS, Web browser, Office Suite, Email products, Hotmail, MSN, and most especialy their media player have all been from reverse engineering of other company products. Because of the nature of the business they have the advantage of throwing quaduple the amount of people onto a product to meet the release date of any other company. Although this may not be entirely illegal it does say something about their ethics when it comes to how they interact with others. Never have they released or created an open sourced standard or given people access to products without tying three more of their services into it. If this is not using a Monopoly to encroach into existing markets, I don't know what is. And when I speak of this I do not mean Windows 95 but of thier Operating System released after they were found guilty of Monopolistic practices.

Thank you for taking the time to recieve this letter of concern and I hope a just resolution is found.

Sincerely,

Ben Hall

Media Developer, Fallon Inc.

612.758.2131

MTC–00024745

From: Walt Asher
To: Microsoft ATR
Date: 1/25/02 2:59pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I am just an ordinary user. I am not a computer guru even though I did build my first computer from a Heathkit. I generally like the Microsoft Windows operating system, however, I did not like the way they have forced people to use their other products. Microsoft had seems to have pushed computer manufactures to include a wide range of their products. As a result so many people use Microsoft Office only because it was included as a free program with the computer when they purchased it. That is ceratinly unfair. I have been useing Corel WordPerfect for several years and found it far better than Microsoft Word, yet few people use it and even fewer computer manufactures include it.

Another complaint I have is that I am forced to accept Microsoft products that I don't need because Microsoft includes them as part of the operating system. Intenet Explorer is a perfect example. I do not like and do not use Internet Explorer, yet it has to be installed on my system. I am not computer literate enough to remove it without causing problems to the operating system. Microsoft could sell a version without Internet Explorer very easily. I am of the strong opinion that Microsoft should be forced to sell the striped down version ONLY. Anyone wanting Internet Explorer, or any other Microsoft product, should be be required to make an effort to obtain that product just is they must do now for Netscape, WordPerfect, etc. When that happens, the market will decide which products are used by businesses and individuals.

One final remedy which I strongly believe should be implemented is that Microsoft should be required to reveal how its other programs are integrated with the operating system. This would allow other software manufactures to make the use of their products interface with and convient to use as Microsoft now does with their products. These things would make Microsoft windows and stand alone product for the benefit of everyone. It will open the doors to fair competition and allows the markey to decide what it wants rather than having Microsoft decide so they can increase the profits and shut out everyone else. I have not problem with Micrsoft making tons of money. I object to being forced to give them my money for products I don't like and don't use just because they have to power to do so.

Thank you,
Walter W. Asher
766 West Key Rd
Troy, TN 38260–4442
(731) 536–5146

MTC–00024746

From: aaron matthew croyle
To: Microsoft ATR
Date: 1/25/02 3:01pm
Subject: Microsoft Settlement

I feel the proposed settlement gives Microsoft too much room to violate the proposal's intention.
—Aaron Croyle

MTC–00024747

From: Lupe Anguiano
To: Microsoft ATR
Date: 1/25/02 3:00pm
Subject: Consumer Protection

Dear Renata Hesse:

I a Latina Technology and Fundraising Consultant. I advice and recommend use of Technology products to education, non-profit organizations and small start-up Latino Businesses in Southern California— mostly in the Los Angeles and Ventura County area. When I add (via basic math) and compare the cost of Microsoft products with AOL, Oracle and others—my adding machine shows great savings purchasing Microsoft products vs. other products. The time for TRUTH has arrived—Why is the Government using tax payers money (my check shows I contribute 40% of my earnings to my Government—Federal and California) to market the products of Technology Companies whom buyers do not purchase from? Why is Government interfering with our FREE MARKET—WHY IS GOVERNMENT INFLUENCING THE CHOICE OF CONSUMERS. WHY IS GOVERNMENT MARKETING HIGHER PRICES. Government has failed to produce an honest consumer related argument against Microsoft. I am so tired of this entire false word game played by lawyers especially from States who refuse to settle with Microsoft. Has Government asked the question—''Is what we are doing hindering the growth and development of the Technology Industry?'' We are living in difficult economic times—our Technology Industry needs to be free to grow and innovate in both our Country and in the World—If free to be creative Technology can be a tool to improve peoples lives—not only in the USA but in the World.

I hope what I have written is taken seriously, it comes from a struggling consumer—who is barely making ends meet.

Respectfully,
Lupe Anguiano
Lupe Anguiano & Associates, Inc.
14420 Kittridge St. #220
Van Nuys, CA 91405–5109
Phone: 818.787.8807
Fax: 818.787.8911
languian@gte.net

MTC–00024748

From: Susie Koester
To: Microsoft ATR
Date: 1/25/02 3:00pm
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 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 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,
Susan Koester

MTC–00024749

From: rubietuesday@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
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,
RUBIE C. CARTER
1464 KEELER.DR.
IRVING, TX 75060–2640

MTC–00024750

From: Jack, Jeremy C
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement
It is a sad, sad thing to see a government organization being purchased wholesale. The fact that the justice department is part of the American government makes me profoundly embarassed. In an environment which actually supports the DMCA, however, I suppose this is inevitable. Since Microsoft has made it very clear it does not intend to stop exploiting consumers, the channel, or manufacturers and was willing to boldly and obviously lie in court, and yet has received what amounts to substantially less than a slap on the wrists is truly truly tragic. There is little justice to be found here. Money has spoken far louder.
—Jeremy C. Jack // The thoughts, opinions, and facts stated here are mine alone and not related to Intel or its affiliates.
neutiquam erro

MTC–00024751

From: Matt.Gilbert@PearsonEd.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:58pm
Subject: Microsoft Settlement
I would like to add my voice in opposition to the federal government's givaway to the Microsoft Corporation. While the provision that stops Microsoft from forcing OEMs from producing systems that run alternative operating systems is a step forward, the rest of the agreement will more than likely prove to be unenforceable. You are essentially rewarding Microsoft for abusing its monopoly and encouraging it to engage in more anti-competitive behavior. We can see that the company has wasted no time in using its monopoly power to drive more competitors from the market by the latest version of Windows.
Owning Soldier Field does not give the Chicago Bears the right to build retractable concrete posts in the endzone to prevent the other team from scoring.

MTC–00024752

From:
To:
Date:
Subject:
Ed Teller
Microsoft ATR
1/25/02 3:02pm
Microsoft Suit
Please see attached letter!
THANKS,
Ed Teller
EMAIL: edteller@hotmail.com

MTC–00024752–0001

Wilson E. Teller
3148 Pine Road
Orange Park, FL 32065
January, 25,2002
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
As an active member of my community and an avid supporter and user of Microsoft products, I feel I must take a moment of my time in order to voice what I feel is in the best interest of the American people.
Microsoft has done more for the IT world than any other company in history, and as a firm believer in the American ethic of everyone having the opportunity to prosper, I believe Microsoft, under the stated settlement plan, has the right to rid itself of any further legal action. The use of the valuable time and money of the American people has been spent for three long years in this case, long enough for a settlement to be reached.
The settlement would require Microsoft to undergo various changes that further open the gates of competition to new and struggling IT companies. The thrust of the Justice Department's case, that Microsoft used unfair business practices, has now been addressed. The American people deserve to benefit from new innovations in computer software, not just for the sake of the economy, but also to keep American businesses at the head of the pack in the global market.
In your capacity as attorney general, I hope you will speak on behalf of the consumer and tax payer, who want to see Microsoft get back to what it does best: serving the people with manageable, affordable, and innovative computer software.
Thank you for your time and consideration in this crucial matter.
Sincerely,
Wilson E. Teller

MTC–00024753

From: Gina Lee
To: Microsoft ATR
Date: 1/25/02 3:01pm
Subject: Microsoft Settlement
The proposed settlement is a really bad idea, Microsoft is a bunch of crooks, they need to pay for what they have done!!
Gina L. Erickson
137 Fir Street
Camarillo, CA 93010

MTC–00024754

From: Andy McKee
To: Microsoft ATR
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement
The settlement is fair and just; however there are concerns that arise from this action.
(1) If agreed upon, what safeguards would be in place to prevent a repeat of this case under another administration or even a different market.
(2) Would could be the long term solution not to just Microsoft, but others in the information industry?
(3) Would this stop the process or would it just keep on going every time a judge feels differently.

MTC–00024755

From: alaconis@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:00pm
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 laconis
1006 22nd ave
vero beach, FL 32960

MTC–00024756

From: Vernon.Guilford@
mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea!!!!!!!!!!!!!!!!!!!!!!!!1
Vernon Guilford

MTC–00024757

From: todd ferguson
To: Microsoft ATR
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement
Dear Sir or Madam:
I feel that the proposed settlement of the Microsoft anti-trust case will not be effective in combating the illegal practices of the company. Furthermore, I feel that the real issues of Microsoft's illegal activities have yet to be addressed. I mainly object on these three points:
(1) They have used their monopoly to push around computer manufacturers, thus forcing competing operating system (OS) makers out of business, and keeping other operating systems to an extremely marginal market share.
(2) They keep their file formats (especially ''Office'' formats) closed, making it harder for other applications to gain a foothold in the market.
(3) They keep their application programming interface (API) for Windows secret, making it more difficult to compete against them.
I am a user of several alternative operating systems. Thus far, no other OS's have been able to gain market penetration to a substantial degree.
This is largely due to Microsoft's restrictions upon, and threats against computer manufacturers. In one publicly disclosed incident, the company Hitachi was ready to ship computers that could boot into either Microsoft Windows or the Be Operating System. When Microsoft heard

about this, they threatened Hitachi by saying they would revoke their license to sell Windows on their computer systems. Faced with losing the ability to pre-install the most widely used OS on their computers, Hitachi chose to remove the ability to boot into the BeOS from their computers. People are much more likely to use an OS if it come with their computer. Because people have not been able to get computers with both Windows and other alternative OS's installed, Microsoft has managed to maintain its grip on the OS market.

My second grievance I think becomes clearer when we look some other areas of computer technology. There are numerous choices in the fields of computer graphics design, viewing, and editing, computer audio design, recording, playback, and editing, and computer video design, playback, and editing. These are also all markets where Microsoft has failed to gain the substantial market share that is has in other computer markets (e.g. OS's and Office software). I think the most important reason is that open file formats (e.g jpeg, mpeg, .wav, etc.) became the standard in these areas of media production, before the closed file formats of Microsoft had a chance to take hold. In the area of Office suites, however, Microsoft was able to get an appreciable market share early on, and the world now has, literally, billions of documents, spreadsheets, etc. in MS Office format. People will not try out another Office suite, because none of them will open up these files correctly, because Microsoft has not disseminated the necessary information about these file formats.

Third is the API. The only people that have full access to the Microsoft API is Microsoft. How can another company expect to publish competing software on the Windows platform, if they do not have access to all the tools necessary for writing software for that platform. Many companies have to write their own API's for Windows, because they cannot get the needed information from Microsoft. This is yet another clear abuse of Microsoft's monopoly.

The current settlement addresses these issues little, if at all. I would lease ask you to reconsider the proverbial slap to the wrists that you are about to give Microsoft, and come up with a solution that will actually bring about change, and return fair play and competition to the computing industry. Any settlement needs to prevent Microsoft from bullying computer manufacturers, needs to force them to open their file formats, and needs to force them to publish their API's. Anything less than that, I feel, will be to little to do any good.

Sincerely,

Todd Louis Ferguson ''We are the music makers, we are the dreamers of dreams.''

Gene Wilder, Willy Wonka and the Chocolate Factory

MTC–00024758

From:
To:
Date:
Subject:
Roger Allen
Microsoft ATR
1/25/02 3:03pm
Microsoft Settlement
Okeechobee, FL 34974<>
January 24, 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 recent antitrust case settlement between Microsoft and the US Department of Justice. While I think that the lawsuits have dragged on too long I am happy to see a possible ending and that Microsoft will not be broken up. Under the terms of the settlement Microsoft will be increasing it relations with computer makers and software developers, not retaliating against competitors who develop or promote non-Microsoft products, licensing its Windows operating system to the 20 largest computer makers on identical terms and conditions, and forming a three-person team to monitor compliance with the settlement. The terms are fair and should appease all parties involved in the dispute. 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.<> .....

Please implement the settlement as soon as possible and reprimand the 9 states that are holding out. Thank you for your time. IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<>

Sincerely,
Roger Allen
15 Montica Drive
Pueblo, CO 81005
00024758—0002

MTC–00024759

From: e.von.breyman@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Please get this settlement finalized! Microsoft is NOT the consumers s enemy.

MTC–00024760

From: Kdowsiany@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: U.S. v. Microsoft

OVERVIEW

For more than three years Microsoft has been defending itself in antitrust litigation brought by the U.S. Justice Department and eighteen states, including Ohio. The proposed consent decree between Microsoft and the U.S. Department of Justice reflects a settlement, which adequately protects the interests of the Department of Justice, the states and Microsoft, while achieving the desired goal of consumer protection.

UNCLEAR BASIS FOR ANTITRUST ACTION AGAINST MICROSOFT

Many critics, including the Buckeye Institute (Ohio's free market think tank) questioned the Justice Department's use of antitrust laws against Microsoft to punish the company's innovative use of technology, which provided useful products to businesses and individuals at low prices. The involvement of the state attorneys general was even more puzzling. It has never been clear how Ohio's citizens have been in any way harmed by Microsoft's business practices. The only clear beneficiaries to this antitrust case are Microsoft's competitors who prefer to have Microsoft mired in litigation instead of competing in the marketplace.

IMPLICATIONS FOR ANTITRUST LAW IN THE DYNAMIC TECHNOLOGY MARKETPLACE

This case calls into question the relevancy of antitrust laws in the fast-changing technology marketplace of today. One of the main reasons for the government's case was to ensure competition in Internet browsers. However, within several months of commencement of the case, the marketplace changed dramatically.

Microsoft's core business—writing the operating systems of personal computers—is under serious challenge from Linux and Apple. The center of gravity for computing is shifting away from the personal computer, where Microsoft has a significant presence, onto the Internet where the conglomerate AOL-Time Warner is the major player. As technology progresses, the focus will likely move to personal digital assistants, web-enabled telephones, satellite-based communication devices, and other tools.

The litigation against Microsoft sent a message to the rest of the technology economy that the use of innovation to meet consumer demands in an efficient manner will be punished by government agencies in the courts. This message sent shock waves throughout the American economy and hurt development in the technology sector.

EFFECT ON OHIOANS

The value of Microsoft stock tumbled by nearly 40% as the case dragged on. The more than 100,000 Microsoft shareholders that reside in Ohio collectively lost millions. And that does not include those investors who hold Microsoft stock in their mutual or pension funds. Other smaller technology company stocks fared even worse.

BREAK-UP OF MICROSOFT WOULD WEAKEN ECONOMY AND HURT CONSUMERS

The Buckeye Institute has publicly commended Ohio Attorney General Betty Montgomery, who has been involved with the case from a very early stage, for her support of the settlement and resistance to pursuing the break-up of Microsoft. She recognized that breaking up Microsoft would weaken our already slow economy, hurt consumers, and set a bad precedent effectively discouraging other high tech firms from investing in innovation and creativity.

SETTLEMENT MEETS GOALS OF CONSUMER PROTECTION WHILE PERMITTING CONTINUED INNOVATION IN THE MARKETPLACE

For those who have concerns about Microsoft's business practices, the settlement contains significant rules and regulations on how Microsoft designs, develops, and

licenses its software. For example, all new Microsoft operating systems would have to include a mechanism that allows easier removal of the Microsoft Internet browser to switch to a different browser.

Importantly, however, this settlement will still allow Microsoft, which has been a lead engine of the American economy over the last decade, to focus on innovation and productivity instead of on defending itself from government attacks in the courts.

The proposed settlement satisfies the Justice Department and nine of the states that joined in the antitrust action. It adds consumer protections while permitting Microsoft to a responsible industry leader. In the long run, Microsoft's continued ability to innovate and create products that meet marketplace demands is the real benefit to consumers.

Sincerely,
David J. Owsiany, J.D.
President
The Buckeye Institute for Public Policy Solutions
4100 North High Street
Suite 200
Columbus, Ohio 43214
Phone: (614) 262–1593
Fax: (614) 262–1927
E-mail: owsiany@buckeyeinstitute.org

MTC–00024761

From: wendyfairfield@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I strongly endorse the current settlement.

MTC–00024762

From: verell@rahab.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Giving away software as a freebie to a purchaser is hardly creating a monopoly. This sales tactic is used all the time by thousands of vendors cash rebates Hawaii vacations etc. are all used to vendor advantage. This should force the competitor to build a better product—not to sue the givers of incentives to consumers. In a country where we have three corporations controlling 80% of all cereal grains 80% of all red meats 90% of poultry with NO freebies to consumers and only an occasional price discount why do you pick Microsoft to prosecute? Coca Cola and Pepsi actually conspire to keep smaller brands OFF vendor shelves. We have some really bad monopolies in the U.S. that are gouging consumers horribly on a necessity of life [food] yet you choose to ignore their greed and go after a company that has enabled consumers to take part in the communications boom. Why?

MTC–00024763

From: chstaf01@athena.
louisville.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Microsoft has a monopoly on personnel and business software that is costing this Country and economy excessively and more open competitiveness is required.

MTC–00024764

From: mf.mathis@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

This settlement is fair and will finally end this lengthy and costly suit. Both the national economy and the local economy here in the Northwest will benefit from this settlement. The bottom line is that this is in the best interests of the consumer and is vital to the health of the tech industry and the economy as a whole.

MTC–00024765

From: bkeller@calibresys.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It s a sad day when innovation and success have to be hobbled by the government just because some some people just can't keep up with the needs of the consumer.

MTC–00024766

From: mursolo@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

First off I want to congratulate Bill Gates and Microsoft for all they have accomplished what he has done with his company is truely the american dream. I also want whomever this concerns to know I am tired of my tax dollars paying for a lawsuit that simply put was initiated by a bunch of sore losers. I do realize that our great countries laws protect against market monopolies but when it happens do we have to treat them as though they are being punished? The fact is Microsoft has accomplished what every company wishes they can complete domination with a quality product. If any other company (Apple AOL & Netscape etc. . .) had the chance they would have done the same. The point is they could not and cannot achieve this so they start pointing fingers and by pointing fingers they openly admit to an inferior product. I am more than capable of installing different products on my Windows systems but I choose not to because I prefer Microsofts products. If the government splits Microsoft or makes them exclude some of the components of the operating system it will actually make Microsoft s market larger because people like me will still buy the seperated components which will probably cost more and hurt the consumer that the government was trying to protect in the first place.

MTC–00024767

From: bickster@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:01pm
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 Bicknell
35–17 Ditmars Blvd
#113
Astoria, NY 11105

MTC–00024768

From: christine—doerr@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Any corrective measures must be weighed against the well-being of consumers. In fact the very monopolistic practices for which Microsoft has been criticized were BENEFICIAL to consumers because they provided a standard platform that all application developers can depend on. The result? More reliable application software (=less frustration for consumers). The proposed settlement seems to me to prevent future abuses while protecting consumer rights. We should go forward with it.

MTC–00024769

From: rdornbos@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I've been using Microsoft products for almost 20 years. Never any problems. Never been pressured to use their products did it by CHOICE as it should be. Govt. should stay out of this and let the public decide what products they prefer to use. McNeely and Ellison are simply unable to compete so they are crying to the Govt. for help. Let the users decide what products they want to use ! ! ! !

MTC–00024770

From: bobnaomi@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

leave ms alone

MTC–00024771

From: hrtuck@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Microsoft was found guilty of monopolistic practices. Enron was on the edge of accounting rules Microsoft went over the edge in dealing with competitors and PC manufacturerers. They are delaying a just penalty. They offer to give $1 Billion in software to schools. In 1969 one of the issues in the antitrust case against IBM was that they were selling or giving away computers to Universities. Microsoft has the chutzpah to say this is a good deed when it is nothing more than a marketing ploy to get into k–12

schools. The bundling of Internet Explorer into Windows without permitting PC manufacturers from deleting it was a predatory action against Netscape. When a powerful company offers something free that competes with a product or service of a small company that is predatory. When it looks like a skunk and smells like a skunk it s a skunk.

MTC–00024772

From: traines@inforefinery.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The government s (at the behest of Netscape and others) continued pursuit of the case against Microsoft is an outrage. I use Microsoft s products every single day. Not because I am forced to by a monopoly or other pressures but because they make quality software. Given the choice between a Microsoft product and another company s I'll almost always choose Microsoft s. Building a browser (or any other functionality) into their operating system is convenient for consumers. And I can load Netscape s browser (or any other software) onto my computer any time I like. I just choose not to. Microsoft should be allowed to incorporate any additional features they choose.

MTC–00024773

From: gbelldabfo@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I feel very strongly that the settlement is fair and just. I also feel that those that do not think so are driven by competative motives that are not in the interest of those that use technology on a daily basis. I use MS products but do not feel that I have to use them and do use other products that compete with MS products. In no way do I feel that I am hindered as a consumer due to MS s business practices if there is a better product out there I will purchase it to run my business.

MTC–00024774

From: wa—mouse@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I am in support of this settlement just because I want the matter to go away. Let s close the book on this issue and let the market decide who the winners and loosers not the government or states. This is a free market society and governments and states have no business or knowledge about technology.

We spend too much time in litigation and not much time left for innovation and progress. All this cost tax payers millions of dollars for nothing only politicians and lawers got rich from it. I WANT MY TAX DOLLARS TO BE USED FOR SOMETHING MORE USEFULL (AND THIS LITIGATION IS CERTAINLY NOT USEFULL) OR GIVE ME MY TAX MONEY BACK.

MTC–00024775

From: dcpab@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I have purchased and used Microsoft software for over 15 years. I have tried others and always came back to Microsoft. I do not believe that other companies should be given the technology that Microsfot designed. Let these other companies come up with their own. Too much money has been spent punishing a company that was only carrying out the idea of free enterprise. I suggest that more time be spent on matters that will protect us as individuals from something serious.

Respectfully submitted
D. Carroll Brackett

MTC–00024776

From: csicskcj@rose-hulman.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

At this time in the United States it would seem that going back to business as usual would be the obvious choice. I agree. I think that this settlement although at times unfair to microsoft is better than prolonged litigation. As a consumer I have to say that I was happy to get a free web-browser from microsoft so have no sympathy for netscape s old practices. This settlement should stand and as American corporations the competitors of Microsoft who are really the interested parties should strive to win in the marketplace not the courtroom.

MTC–00024777

From: june.allen@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a senior citizen and great grandmother I m appalled that this Microsoft case was ever accepted by the courts in the first place. I will NEVER do business with those companies who filed against Microsoft and have personally deleted AOL and any product of the complaintives out of my computer. Please accept the settlement on behalf of all the consumers who were never injured in the first place with the browser.

Best wishes and thank you
June M. Allen

MTC–00024778

From: jmd@wrkgrp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The expansion of OS services beginning with the inclusion of TCP/IP to Win95 has been a significant boon to consumers. The Internet explosion occurred with the release of free browsers to the public which financed their invention at the University of Illinois. The concept that the public was harmed by MSFT giving away the browser it originally purchased from the copyright holders mocks any standard of fairness.

MTC–00024779

From: scott.a.oberle@boeing.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough is enough!!!!!!!! The first suit was ridiculous now with the AOL suit it is getting out of control. Find another golden goose. Microsoft and the US economy as a whole have suffered enough!!! The justice department netscape and AOL should have to reimburse everybody hurt through this.

MTC–00024780

From: jgsmith@jamesmith.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:21pm
Subject: Microsoft Settlement

I find the proposed Final Judgement to be deficient in several areas, especially when compared to how like behavior would be treated if the defendent were an actual person.

Section III.C.4 does not prohibit Microsoft from requiring a Microsoft Operating System be installed or sold on/with any system containing an alternative Operating System. Nor is this behavior prohibited by section III.G.1.

Section III.D is a closed forum. An open forum modeled perhaps after that of the IETF (Internet Engineering Task Force) should be used to ensure everyone has access. The purpose of this section is to enhance competition. Anyone who is for competition should not be against a little more. Section III.E is also a closed forum. Communication Protocols should be published and should be standardized outside of Microsoft. Internet protocols MUST be standardized via the RFC processes within the IETF.

Section III.G.1 is too weak to keep Microsoft from returning to prior practices. The words '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'' should be struck.

Section III.J.2 should include more than just commercial products. APIs should be available without cost to anyone who has an interest, whether as a hobby or as a business. This is a market economy. If someone wants to do something for free, they should be able to. By limiting access to crucial APIs and protocols to only people and entities which can demonstrate that they will profit from the knowledge, the market has not been significantly opened up. Many innovations, to borrow a term that has been bastardized by Microsoft, come from people toying around with ideas and not trying to make a profit.

By not punishing Microsoft in any significant way, Microsoft, and indeed the world, has learned that to be a success means to break the law big and quick, make a lot of money, and contribute to political parties when you get caught so no one will steal the lunch money from the bully. Enron is making good on this at the moment as well.

In most drug-related cases, the defendent's money is seized before being found to have commited a crime because the money is from illegal behavior, as defined by the prosecution and the police. If that can be done before the case has ever seen a court room, then how much easier must it be to

remove money from Microsoft who has already been proven to have broken the law. Microsoft should pay damages in some multiple of $10 billion. Money is all that companies care about—their bottom line—their reason de etre. Everything else in any judgement is just window dressing and will be lived with.

The Justice Department has an opportunity to help the consumer, but the President has an opportunity to help his constituency. I pray the Justice Department will prevail.

James Smith—jgsmith@jamesmith.com/
http://www.jamesmith.com/
jgsmith@tamu.edu http://cis.tamu.edu/systems/opensystems/
CC:jgsmith@jamesmith.com@inetgw

MTC–00024781

From: albaocasio@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Keep settlement as it is

MTC–00024782

From: bobj@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The remaining State CIO s have a political agenda to help prop up Microsoft s competitors. Microsoft has done a great service by building a huge industry in the United States. Microsoft has helped consumers by bringing low cost computing to all of them. The very competitors who are complaining about Microsoft have done nothing to lower their prices to bring more power to consumers except in response to Microsoft s low prices.

Bob Jones

MTC–00024783

From: cncco@alaska.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

We are very much in favor for the goverment and Microsoft to settle. Microsoft has done more for the world in PC computer use than any other company. The continous lawsuits by the 12 states and others is nothing more than to extract money for both the lawyers and the states. Go after the types of Enron and accounting firms that would do a lot more good for the public.

Sinserely
Josef Ressel

MTC–00024784

From: michael.little@
worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a Microsoft product consumer would someone please tell me where I have been harmed?????? There are 75 people DEAD as the result of Firestone tires and not near the attention or dollars have been spent on investigating that issue. Yet taxpayers dollars at the prodding of Microsoft competitors continue to be misspent!!!!!

MTC–00024785

From: DaynaWh@windhamhills.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please do not punish Microsoft for being forsighted and innovative. They are wonderful. They have made my job so much easier. I can troubleshoot so easily with their products and they integrate seamlessly. This is a waste of taxpayer money and of Microsoft s funds. We the consumer are the ones that will ulimately pay the price. Stop the insanity.

MTC–00024786

From: ormetony@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a taxpayer and consumer I believe that the recent law suit filed by AOL/Time Warner against Microsoft is an indication that AOL and other Microsoft competitors are using antitrust law as part of their business strategy to compete against Microsoft s products. I do not believe that sanctions against Microsoft will benefit consumers in any way.

MTC–00024787

From: scottomalley@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

To whom it may concern It is my opinion that the antirust suit brought against the Microsoft Corporation is unfair. I fear it is motivated by business interestes rather than the interests of the consumer—which is why antitrust laws were created. I ve worked for 2 years in the Internet industry where I ve learned firsthand why Microsoft dominates the various markets it competes in—their products are superior to the competition. In our society a superior product is rewarded with profit. Please do not penalize a company that makes quality products because of anti-big business propaganda born in the Public Relations departments of Microsoft s jealous competitors.

Thank you.
Scott

MTC–00024788

From: Andrew Frank
To: Microsoft ATR
Date: 1/25/02 3:04pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Like most other companies involved in the IT industry, I have not experienced any particular problem directly attributable to the rather inflammatory litigation involving Microsoft and our government. Our concerns, like most other businesses, center more around concerns of our country's softening economic picture than anything else. That having been said, however, is not to suggest that had this lawsuit continued to its anticipated bitter end, its result would not have complicated the business picture for most IT companies one way or another. It is better for our country and the IT business that this lawsuit has been removed from the contentious battlefield of the courts and has instead been relegated to a settlement. This settlement addresses the issues raised by the court action and serves as a quieter, less factious way to conclude this matter to everyone's satisfaction. It quietly shifts the onus of licensing Windows from individual OEMs to a collective of the top twenty hardware manufacturers. It also subtly forces changes in the way Microsoft designs Windows to accommodate software companies.

I am very much supportive of the settlement, and am hoping that with its acceptance, we can all benefit from being able to move forward.

Sincerely,
Andy Frank
Andrew K. Frank, PhD
Vice President & General Manager
The Training Camp
1812 Marsh Road, Suite 200
Wilmington, DE 19810
1.302.475.0283—phone
1.302.475.1571—fax
afrank@trainingcamp.net
Visit our website at http://www.trainingcamp.net/

''Because you are only as good as what you know''

MTC–00024789

From: forspam2@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft must be stopped from using its vast predatory powers. There must be NO settlement until this out of control corporation is held accountable for its monopolositic practices. Instead of giving its vastly inferior operating systems to schools it should be made to supply Linux. To do otherwise only allows this monopoly to grow.

MTC–00024790

From: missbalckie@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

What mankind really needs is a break from people like Orin Hatch and Sun Microsystems CEO Scott G. Mc-Nealy who complain about Microsoft. None has bothered to offer a superior product. Instead they have used the government as a strategic weapon to cover their own inability to develop something better.

The time has long since past for people like Orin Hatch and the government to leave Microsoft alone!!!

Douglas Shortridge
117 Cameron Dr.
Battle Creek Mi. 49015

MTC–00024793

From: barrydbloom@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It is time for companies to quit using the federal government and the judicial process because they can t compete. The computer industry is one of the strongest most profitiable industries in the world. Government interfernce at this point in its

history is premature and damaging. Please focus your efforts on problems with the telecom industry and leave the computer industry alone. We don t need your help.

MTC–00024794

From: Ramesh.Shah@
sspsolutions.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I feel the settlement reached by the govt is fair and equittable.In my opinion Microsoft has been picked on for being an sucessful co.I dont see any monopolistic behaviour.Its time to move on and stop wasting tax payer money.

MTC–00024795

From: kennhat@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It time tell the friends of Sen. Hatch and the other parties to beat Microsoft in the marketplace and quit trying to use the Goverment and the courts. It is my place as a consumer to pick and chose the best products not the courts. Let us pick the winner not the Goverment !!!!!!!

MTC–00024796

From: agapa1@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

THE ONLY REASON RENO (CLINTON) BROUGHT CHARGES WAS BECAUSE BILL GATES DIDN T GIVE MONEY TO EITHER PARTY. I FEEL THAT ALL CHARGES SHOULD BE DROPPED.

MTC–00024797

From: missal101@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough of this attack on one of our most respected companies Microsoft. We expected as much from the previous administration but did not expect the witch hunt to continue in the Bush Administration. Our portfolio has been negatively affected by the Clinton Justice Department s attack on MS. Stop it now and get back to catching real crooks.

MTC–00024798

From: creightonlvx@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

It s time to get off Microsoft s back. This garbage revolves around a FREE software bundle and a lot of us can see right through the whining about it. THis is really a message that the government will enable anyone to go after successful capitalists and it s a lousy grab for power. Get over it.

MTC–00024799

From: DmanHS@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Bill Gates is just a man in business like anybody else and he came up with a product that s been aggressively marketed and perhaps better than anything else like it. Why should someone or a company be faulted for being better and more successfull than anyone else provided that they are being ethical about it.

MTC–00024800

From: chuckselk@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Can you imagine what life would be like without the computer? How advanced do you think the world would be in computer usage if Bill Gates and Microsoft never existed. Bill Gates should be recognized at the man of the 20th century that has done so much for not only the USA bu the whole world. Other companies are already benefitting from Microsoft s taking risks in the 80s and its pool of ingenuity and software dominance. Don t punish people for being successful except in the income taxes they pay. All branches of government city county state and federal have benefitted from the taxes Microsoft and its employees have paid. Don t stifle new inventions and software.

MTC–00024801

From: Mgostovich@triumphtx.org@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

We founded this country on the belief of free enterprize and freedom to compete in open markets. When a company like Microsoft does this too well everyone jumps in and forces the government to save them. The truth is that if other software manufacturers could put a product that worked as well as Windows we would be using it. Microsoft should have the right to do what it wants with a product that it created. The government nor the other software companys own windows Microsoft does. To tell them what they can and can t do with it is appalling to me.

MTC–00024802

From:
dodd.harris@tricon-yum.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I am fully supportive of the settlement negotiated between Microsoft and the various Attorneys General referenced here. The uncertainty this case has caused the technology sector has had a strongly deleterious affect on the sector and the stock market and cosumers desperately need security that a final conclusive settlement will provide. Please effectuate the terms of the settlement with all due haste.

Cordially C.
Dodd Harris IV

MTC–00024803

From: lj25seitz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please stop this none-sence! It all started with Netscape and it was not a working system than nor is it much better now! It still works like the writer of that program(Netscape) has less than a year of experience. Also every PC that I have bought has always had Netscape loaded on it!!!!!!! They do not have a leg to stand on.

MTC–00024804

From: mikekern@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I think the sttlement was unfair to Microsoft and is being inconsistently applied to computer vendors. There is nothing that MS did that companies complaining about MS have not also done. Indepenent of the question of fairness/rightness there is a blatent inconsistency being applied here. THIS IS CALL FREE ENTERPRISE! Not monopoly. The competitors are taking advantage of the justice system and polictical favortisum to make up for what they lack in their own product line and abilities. This inconsistency would be laughable if it were not for the serious ramification were MS forced to stopped providing the public with the best products it can. Please consider all factors in the light of free enterprise and consistent business practices of all competitors.

Thank you.
Mr. Kernaghan

MTC–00024805

From: RSadler@Tadv.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

For too long the government has assisted Microsoft s competitors. It s time for them to compete in the marketplace not in the court room. The settlement proposed by DOJ is more than fair for all the parties involved and paves the way for a return to normalcy in the technology sector.

MTC–00024806

From: Dessertfox@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please accept the current settlement and avoid additional litigation. Thank you

MTC–00024807

From: jamesc@phoenixhitec.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft has provided great convenience for my life and our company s operation. Their products are so good and in the meantime I don t have problem to switch to their competitor s product if needed.

However I will still prefer the Microsoft products. I don t see the monopoly. And I can only see the inconvenience by restriction of a pre-loaded Windows. I totally support the settlement. And I strongly suggest you that not let a few special interests person and not so great competitive competitor to ruin such a great company and their products.

MTC–00024808

From: karen@Reportware.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please accept this settlement and put this to bed. I believe this settlement is a fair (though tough) compromise that is in the best interest of everyone—the technology industry the economy and especially consumers. For the sake of the economy please use your influence to accept this settlement and allow Microsoft do what they do best develop and distribute integrated software.

Sincerely Karen Hanshaw

MTC–00024809

From: bruce—amberson@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The current settlement with Microsoft is sufficient. Do not allow those companies who have an agenda other than innovation in the free market sway a fair decision.

MTC–00024810

From: bob@arnoldsmithins.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I feel the seetlement reached on the Microsoft Case is more than fair and adequate and should be finalized.

MTC–00024811

From: blomsoy@harborside.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please do the patriotic thing let Microsoft produce without further interference.

MTC–00024812

From: Todd Azzara
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement

Dear Sirs,

I believe that the proposed settlement agreement is a bad idea, m'kay? No, really. There are no provisions for Microsoft documenting the API's they DO release, and there is very restricted third-party developer access to any API's, among many other items. Microsoft must be taken to task for its constant anti-competitive practices and this settlement WILL NOT accomplish anything.

Thank you.

Respectfully,

Todd Azzara, Senior Real-Time Adaptor Developer

EP1 Core Adaptor Team

S1 Community and Regional eFinance Solutions Group

12401 Research Blvd. Bldg. 1, Suite 400, Austin, TX 78759

512.336.3000 x3032 / 512.336.3250 Fax

Email: todd.azzara@s1.com

MTC–00024813

From: mgb—bas@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Darn it get on with this assinine case and accept the settlement completely NOW. Don t let the courts do to a successful and forward thinking company what they did to AT&T. If competing companies want a greater share of the market let them BUILD A BETTER MOUSE TRAP IF THEY CAN.

MTC–00024814

From: Patricia Abbott
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:00pm
Subject: Microsoft Settlement
Patricia Abbott
177 Hobble Creek Canyon
Springville, UT 84663
January 25, 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,

Patricia Abbott

MTC–00024815

From: eric@northcomp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

As a user of both Microsoft and other products forcing Microsoft to submit to this sort of scrutiny is a waste of my tax dollars. Unlike the Baby Bells that seem to avoid all scrutiny like this Microsoft continues to provide BETTER products and BETTER service. Perhaps DOJ should focus on the real crooks like Enron.

MTC–00024816

From: Jera Darklighter
To: Microsoft ATR
Date: 1/25/02 3:06pm
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed final judgment for the Microsoft settlement will not effectively eradicate the monopoly that Microsoft has on both middleware and PC operating systems.

Firstly, there are several loopholes in the judgment that will easily allow Microsoft to keep on bundling middleware like Internet Explorer with Windows and thus keeping out competitors like Opera and Netscape. All they have to do is change the product number, and the judgment won't consider it ''middleware'' anymore. That is just asanine.

Microsoft makes a lot of software that is the industry standard. However, it only runs on Windows (for PC platforms—of course they make it for the Mac too). This makes it really difficult for people who prefer other operating systems, like Linux, to run the programs they really need. These individuals, including myself, are ''stuck'' using a product that they may feel is inferior to others available. This should not happen in an open market, where competition forces companies to make better products so they can have the largest market share.

Furthermore, although the judgment does take some positive steps toward lessening Microsoft's monopoly, it does not adequately provide for enforcement of the judgment. Please give this judgment some teeth so the average Joe out here has a little choice when it comes to operating systems.

Thank you for your consideration.

Sincerely,

Jordana Kocher

Senior Web Designer

@MOTION, Inc.

MTC–00024817

From: crystal@Reportware.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please accept this settlement. It is fair and in the best interest of everyone.

Sincerely

Crystal Shuey

MTC–00024818

From: douggoodyear@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

I have been opposed to the federal government s lawsuit against Microsft from the day it was filed. I have always thought it was a bad idea to punish a company for being successful in the marketplace. Worse it seemed as if the Justice Department was doing the work of Microsoft s competitors—AOL Sun Oracle to name a few—for them primarily because they were losing in the marketplace. For that reason I support the proposed settlement with the government. The suit never should have been brought in the first place. If there s an opportunity to settle it we should do so ASAP—no more money time or energy invested in persecuting this successful company. I support the DoJ s efforts to settle and hope the Department will focus on prosecuting real criminals instead of manufacturing trumped-up cases against good corporate citizens. No more regulation via litigation please.

Sincerely

Douglas Goodyear

MTC–00024819

From: Mac.com
To: Microsoft ATR
Date: 1/25/02 3:06pm
Subject: Microsoft Settlement

Dear Sirs,

I am stockholder in Apple Computers. I am also an instructor of computer sciences at the college level in Tulsa, Oklahoma. As you

might expect the outcome of this trial is for most on my mind. I have been reviewing all related materials I can regarding this case since it's inception, and I am a firm believer that our computer experiences would be much better off if Microsoft where a better corporate and consumer partner.

I have read the proposed settlement between MS, the DOJ, and nine states, and agree with many analysts who have said this settlement would do little to inhibit MS from continuing there previous behaviors.

I feel that in order to allow free competition in the operating system market, Microsoft should not be allowed to bundle new software with there OS. To do so allows the company an unfair marketing advantage over competitors. Further, staple applications such as Microsoft Office should be available for all competing OS's with significant market share to warrant a profitable product. That would include the continuation of MS Office for Macintosh and the developing of MS Office for Linux.

Lastly, MS should set specific prices for there products based upon volume and not based on the specific customer. In other words, if Compaq and Dell purchase an equal number of licenses then they should each pay the same price. This would prevent MS from bulling PC venders around based on the business practice of the particular vender.

Joel Sutton
Tulsa Community College
(918) 595–7000 ext 7146

MTC–00024820

From: aitala@olemiss.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft must be stopped—they are now spamming folks with requests for favorable comments on the settlement. Break Microsoft up stop them from making things even worse.

MTC–00024821

From:
kmaxwell@fabio-perini.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

This settlment forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. I disagree with this penalty placed on Microsoft which has been placed on Microsoft not for the reason this case initially brought to trial but to penalize Microsoft for being the only company to successfully create an operating system for X86 platform. If the court is going to offer this appeal the appeal needs to be such that in ALL software developers will be forced to license their intellectual property rights. For example Sun Microsystems would have to license their intellectual property to Microsoft. Only in this sense will settlment truly offer something fair and justified.

MTC–00024822

From: Phil Tomson
To: Microsoft ATR
Date: 1/25/02 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's provision for public comment I would like to comment on the proposed Microsoft settlement.

I have been involved in the computing industry as an engineer since 1984. For the last eight years I have been a software engineer. During this time I witnessed firsthand how the rise of Microsoft's monopoly in the operating system market adversly affected the software industry by limiting choices. Microsoft has been found guilty of anitcompetitive practices and illegally maintaining a monopoly. The proposed settlement effectively does nothing to stop Microsoft's anticompetitive practices and in fact I fear that it will actually give Microsoft the cover of legal authority to continue such practices in even greater amounts. If the proposed settlement is approved unchanged it will have grave negative consequences for the computing and software industries as well as for access to the Internet. These industries are key to the US economy and this settlement effectively hands them over to Microsoft.

The proposed settlement could be fixed with the following requirements:

* Require Microsoft to make it's office suite data file formats public. This would allow competing companies and organizations to create products which can interoperate with Microsoft's office suite, thus allowing competing operating systems to have applications which can read and write these formats which are now ubiquitous due to Microsotf's monopoly.

* Require Microsoft to submit present and future (perhaps for a period of ten years) networking protocols to an independent open standards body. This would prevent Microsoft from creating incompatible netoworking protocols that would shut out competitor's access to the Internet.

Require Microsoft's preload agreements to be vacated and prohibit the creation of new preload agreements.

Require the Windows OS API (Application Programmer's Interface) to be publicly documented. This would allow the development of competing products that could interoperate with Windows. It would also expose certain portions of the API which Microsoft has kept secret up to this point. And this provision should apply to ALL versions of Windows, including Windows XP and WinCE (which are not covered in the current agreement).

Require Microsoft to list which software patents protect the Windows API so that developers of Windows-compatible operating systems can determine what is patented and avoid infringing.

Require that Microsoft change their EULAs to not discriminate against ISVs that distribute Open Source software. Many of Microsoft SDK (Software Development Kit) EULAs prohibit their use with Open Source (freely available under certain licenses like the GPL (GNU General Public License)). This type of discrimination should be eliminated.

And finally, the current agreement 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 agreement needs to be ammended so that it has an effective enforcement mechanism that is invoked when Microsoft breaks the agreement. This is a matter of utmost importance. If the current agreement is not changed, it will effectively hand over large portions of the computing industry and the Internet over to Microsoft's control—this would be a very tragic outcome and it is avoidable.

Phil Tomson
Software Engineer
19310 SW Oak St.
Aloha, OR 97007
ptkwt@aracnet.com

MTC–00024823

From: dogjerde@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The Federal Government has been much too harsh on Microsoft. In the first place there never was a monopoly on Microsofts part. Everyone knows that anyone can and does write software. Nobody has or ever will have a monopoly on writing software. So there was no monopoly and the case should have been dismissed at that point. We who have invested our life savings in a very fine company like Microsoft now see the government destroying everything that we have worked so hard for. Every time lawyers and judges destroy investor confidence by actions such as this our economy our nation our investor spirit is weakened. It is small wonder that our economy is in such bad shape. Every time we consider investing in a particular company we become fearful of what the government may do to a fine company. We are supposed to be a free country. Microsoft certainly followed all the laws. So why punish them? Which companies are we to invest in if not fine companies like Microsoft? It sounds so much like the Democrats. Wait for someone to do well. Then become jealous and ask the government to destroy the company that you are jealous of.

MTC–00024824

From: jenfunk@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

This judgement is a farce. Complete idiocy. Bad Microsoft! We order you to establish yourself in a market you do not already own and in fact one of your most dreaded compettiors DOES own as a PUNISHMENT. Oh yeah I m sure MS is cryin in their beer here. APPLE is the WELL KNOWN dominant educational platform and the judgement all but hands it to them on a silverplatter by REQUIRING THEM to become active in it s makeup. PUNISHMENT would be the m having to SUPPORT the ecucational systme by BUYING APPLES to put in schools. Is this justice? Hell no. It says long live monoploies becasue you ve just insured to get more of the same. More MS dominating every market and NOW the educational market as well wow some punishment. Good job buckwheat.

Hope you can salvage your soul from hell. Yay america. I sure hope the same jdges don t decide the terorrist s fates because they ll be sent to Club Med with explosives.

MTC–00024826

From: shamus@industrialego.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I support the settlement of US Government s case with Microsoft. I think it is the best interest of consumers to let Microsoft get on with the business of making great software products. The state Attorney Generals are holding out for political reasons that are not in the consumer s best interest. Here in California the state AG is playing to the leaders in high-tech such as Larry Ellison of Oracle and Scott McNealy of Sun Microsystems. What these men have been unable to achieve by consumer choice in the marketplace they wish to force on people using the strong-arm of the government. Sounds likes the mafia to me. Settle the case now.

Shamus Brown

MTC–00024827

From: Stephen Nosal
To: Microsoft ATR
Date: 1/25/02 3:08pm
Subject: the microsoft settlement Folks—

I would just like to express my displeasure with the proposed settlement with microsoft. I oppose it because it does not specifically address the issue of ''free'' software and volunteer development. If there is no specific language validating volunteer software developers I believe Microsoft will use a ''viable business'' requirement to exclude these people from developing useful software. As a small business owner, I am unable to afford many of the products that microsoft sells—it comes directly off of my bottom line. Please modify this settlement to insure the rights of volunteer developers to create and release compatible software.

Thank you for your time.

- Stephen Nosal
mybrewpub.com
New York, NY

MTC–00024828

From: mjacobs@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Microsoft has done more than any other high technology company to build products for the people. Please bring this trial to an end as quickly as possible so that the industry can focus on serving the best interests of the American public and not a few of Microsoft s competitors. Settle now and move on.

Thank you.

MTC–00024829

From: morcos@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I applaude the DOJ for willing to finally settle this ridiculous lawsuit with Microsoft. I believe that the market takes care through competition and hard work and this is what the American system is all about. Let the company do its business and keep the US as the most advanced country in the world and let the whiny competitors of Microsoft work to satisfy their customers by producing better products. It is after all customers who decide which products are the best.

MTC–00024830

From: aadieringer@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough is enough stop wasteing money and settle case

MTC–00024831

From: Randy@ReportWare.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please put the Microsoft case to rest and approve the pending settlement. As a technology professional I have a great appreciation for the innovation and quality represented by Microsoft s software and don t want to see them impaired by intrusive government action— action pushed by competitors who seek unfair advantage for their inferior products. I don t work for Microsoft nor have any ties to them I simply want the best tools to allow me to do my job and I believe that Microsoft provides them.

MTC–00024832

From: idealist—@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The ruling between Microsoft and the States is extremely fair and should be allowed to stand. The economy can not take all this tearing down of American companies. Don t we still have something called capitalism?

MTC–00024833

From: Jon Bell
To: Microsoft ATR
Date: 1/25/02 3:07pm
Subject: Microsoft settlement

Hello, I strongly agree with the government's stance on this case against Microsoft. In the mid-90s, before this case was brought against MS, I read up on the subject quite a bit.

I went from most people's opinion (''they found the american dream and now they're being punished'') to a more informed one. It's obvious that they've abused monopoly power, and it's obvious that it's hurt the market. They haven't necessarily harmed consumers, but abusing the monopoly power they have is bad enough to bring a case against them.

I hope this case results in serious, measurable consequences for Microsoft. You have my support.

Thanks,
Jon

MTC–00024834

From: FXR3464@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 3:04pm
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,
Frank Roche
393 West 49th St 5NN
New York, NY 10019–7900

MTC–00024835

From: ethelp@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:04pm
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,
ETHEL PARKES
1737 TIMSON LAME
BLOOMFIELD HILLS, MI 48302

MTC–00024836

From: Brian Morton
To: Microsoft ATR
Date: 1/25/02 3:08pm
Subject: Microsoft Settlement

As a Macintosh and Linux user, with the exception of using Internet Explorer for OSX, I have read and listened to much of the commentary about the DOJ's settlement with Microsoft and it looks like you guys are selling out. We have seen Microsoft use it's monopoly status and greed to invade every market they enter, let us do the ''right thing'' and put a hurt on them. I think breaking them up as originally proposed would be a great solution and would then offer some real competition into the computing space.

Brian Morton

MTC–00024837

From: FixIt
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement
bad idea guys

MTC–00024838

From: Jim Hassinger
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement
This disgraceful defanging of the court's decision will go down in history as a missed opportunity, brought about by the Bush administration's toadying to all sources of capital, from Microsoft to Enron.
The original decision should have been executed, as a bare minimum. My views on the matter are neatly stated by Prof. Lawrence Lessig's recent work on related matter, ''The Future of Ideas.'' The Internet, in particular, must be saved as a truly neutral platform for development. If the government, and its eminently qualified scientists, were to continue actively supporting that rule, Microsoft would be forced to break up by the ''free'' market created.
Yours truly
James Hassinger
1149 Coronado Ter
Los Angeles, CA 90026

MTC–00024839

From: Randy Ajax
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement.
I believe the terms proposed under the Microsoft settlement to be just and fair for all parties.
Thank you
Randy Ajax
President, Vending World
Please visit our web site at:
http://www.vendingworld.com

MTC–00024840

From: Michael R. Brumm
To: Microsoft ATR
Date: 1/25/02 3:11pm
Subject: Microsoft Settlement
I have reviewed the revised proposed final judgment for the USA and individual states against Microsoft.
As an ISV who develops software for Windows, I feel that the proposal is more than fair.

MTC–00024841

From: Art
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft settlement...
Didn't Netscape give away it's browser in order to insure there would be no competition arise to compete with its'' product? If that's not anti-competetive, what is? If Microsoft with its'' deep pockets hadn't come along there'd have been no incentive for improvements to Netscape and no Microsoft browser alternative. And Netscape has no damage because its'' browser product was being given away free. Microsoft should demand a set-off from Netscape because the growing popularity of IE reduced the financial damage Netscape was inflicting on itself by giving its'loser browser product away.
Art Krannawitter
135 Camino del Sol
Vallejo, Ca 94591
707–557–5909

MTC–00024842

From: moodybk@iimef.usmc.mil@inetgw
To: Microsoft ATR
Date: 1/25/02 3:07pm
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,
Bryan Moody
124 Wilson Court
Jacksonville, NC 28546

MTC–00024843

From: Gary Curtis
To: Microsoft ATR
Date: 1/25/02 3:12pm
Subject: Microsoft Settlement
This final settlement does nothing to punish Microsoft for its past behavior or to address that damage that has been done as a result. The effect of this settlement is to bar Microsoft from certain behaviors that have been found to be anti-competitive and illegal. As a result the settlement looks more like a clarification of the law, as it applies to Microsoft business practices. I am certain that Microsoft will find ''innovative'' new ways to use its monopoly power to hinder competitors even if this particular settlement is rigorously enforced. I am very disappointed that more will not be done to address the damage that Microsoft has done to the advancement of the state of the art in computing.
Gary Curtis (Ph.D Computer Science) —
CC:garycurtis@home.com@inetgw

MTC–00024844

From: Atlas Int'l
To: Microsoft ATR
Date: 1/25/02 3:12pm
Subject: Microsoft Settlement
hello—
i do not have the time in my busy schedule to pen my objections to every single point of the microsoft settlement. suffice to say that this farce of a settlement proposal would be nothing short of comical if it were not for the fact that you (the DOJ) are actually considering it. the whole point of the original lawsuit centered around the ''lockin'' principle, whereby an entity in essence infects a host (computer user) so profoundly with its product (windows and other microsoft software) that migration to a to a more effective, cheaper, more efficient, or otherwise better system becomes economically and/or logistically unfeasible.
any proposal by microsoft to not only perpetuate its ''lockin'' practices, but to further press them into areas (education) where it has not been fully implemented is laughable.
the core of the ''lockin'' problem lies in the fact that microsoft will not divulge information (software APIs) needed by competitors to produce products capable of nominal performance on the same hardware. there is a similar scenario in the microprocessor production industry between AMD, Intel, Cyrix and other chip makers. through intensive and carefully scrutinized licensing agreements, this area has remained free from the strong-armed tactics we see microsoft employ (which Intel would be quite happy to implement ala microsoft—were it not for these agreements). this relationship between microprocessor producers did not happen by accident. it has been the result of the annual multi $million legal efforts put out by the standards boards and involved companies. this is the sort of action that needs to be taken with microsoft. simply allowing microsoft to pass out software which will further their dominance in established markets (and incidently doesnt cost them a thing—-what's a cd cost $.02?) and improve dominance in other markets will not solve a thing.
please, for the love of America FORCE this bully of a corporation to play by the same rules as the rest of us.
bob holkan
8109 otium way
antelope, ca 95843
(916) 454–3447

MTC–00024845

From: Michael Favor
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Tunney comments from one software developer
I appreciate the opportunity to comment. I will be as brief as possible, and I hope my comments will be taken seriously.
The proposed remedy recognizes that if Microsoft can keep part of the API secret, it has an unfair advantage over competitive Windows applications, but the proposed remedy seems to limit the use of the
API information by devleopers of competitive operating systems. If Microsoft is required to compete for the operating system market as well as the applications software market, information about the API must be available for use by developers of other operating systems as well as developers of application software. The limiting language in the proposed remedy may seem harmless, but this is a very important point.
Next, if Microsoft is allowed to develop proprietary protocols for network applications like email or web pages,

Windows would be required in order to use those applications. In order to allow other application and operating system devlopers to compete fairly against the monopoly, these network protocols must also be published, similar to the API information.

Lastly, the file formats used by Microsoft applications such as the Office software are the logical ''interface'' between those programs, similar to the Windows API and network protocols. To the extent that these file formats are kept secret, they direcectly hinder the development of competitive and compatible software for Windows and competitive operating systems. I believe that each of these points is critical to the effectiveness of the proposed remedy, and that each one must be addressed in order to prevent Microsoft from directly impeeding the development of competitive and compatible software, and extending a monopoly that has been built based on unfair competition. Thank you for considering my comments.

Sincerely,
Michael Favor
favor@sunset.net

MTC–00024846

From: hanturner
To: Microsoft ATR
Date: 1/25/02 3:13pm
Subject: Microsoft Settlement ATTENTION: JUDGE COLLEEN KOLLAR-KOTELLY

Please settle the lawsuit between Microsoft Corp and the government now. I believe it would benefit the consumer and the economy. As a tax payor, I feel that the government has wasted a lot of money on a lawsuit that should of been settled long ago. Let's do something productive with our tax money. I'm self-employed and been using computers since the early 80's. Computer programs in the 80's were very diificult to learn to use. Microsoft created software that was user friendly and easy for the average person to use. It has improved my productivity and my life.

I URGE YOU TO HELP SETTLE AND THE LAWSUIT NOW. THANK YOU FOR LISTENING TO ME.

Sincerely.
Hanneli Turner
7118 174 St SW
Edmonds, WA 98026

MTC–00024847

From: John Booher
To: Microsoft ATR
Date: 1/25/02 3:14pm
Subject: Microsoft Settlement

To whom it may concern,

I have two brief suggestions on modifications to the DOJ/Microsoft settlement that would be beneficial to consumers and to the software industry. File Formats

All windows file formats should published so that competing developers can make compatible applications available to the public. This would make it more difficult for Microsoft to maintain its monopoly because competitors could make applications that are compatible with Microsoft Office. API

All Windows Application Programming interfaces should be made available to all developers. This would allow developers to produce competing applications in a more equal environment. Also, this information should be freely usable by competitors such as Sun Microsystems and Lindows. This would allow developers to produce competing operating systems in a more equal environment.

Thank you for you time,
John Booher

MTC–00024848

From: Jarod Belshaw
To: Microsoft ATR
Date: 1/25/02 3:17pm
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 Amercian 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.

Your attention to this matter is greatly appreciated.

Sincerely
Jarod Belshaw
jarod@oridian.com

''Whom the gods have chosen to destroy they will teach IBM JCL programming.''

MTC–00024849

From: EUROSIGN METALWERKE
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: ATTN: US DEPT OF JUSTICE ATTN: US DEPT OF JUSTICE RE: MICROSOFT

Microsoft has made it possible for small businesses like us to afford computers and increase efficiency. Anti-Microsoft companies like Sun, Oracle, Apple et al offer software which is too expensive for the small business/home owner/student. If Sun, Oracle, Apple, Netscape-AOL had competitive products, the market would have rewarded them accordingly. The negative attitude by Microsoft's competitors is truly un-American -where the market rewards companies with the best values in service and products.

It is time to let Microsoft innovate freely!!

Very truly yours,
Jerome R. Bulkan
senior Vice President
Eurosign Metalwerke, Inc.
Margate, Fl

MTC–00024850

From: crouchsr@erlanger.org@inetgw
To: Microsoft ATR
Date: 1/25/02 3:12pm
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,
Sheila Renee Crouch
1603 West Varner Road
Hixson, TN 37343

MTC–00024851

From: William Tsun-Yuk Hsu
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft settlement

To whom it may concern,

I would like to voice my disapproval of the proposed settlement between Microsoft and the Dept of Justice. I don't think it will be at all effective in reducing Microsoft's monopolistic and predatory practices.

Bill Hsu
Associate Professor
Department of Computer Science
San Francisco State University

MTC–00024852

From: IGARFINKLE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft Settlement.

As a consumer, I want the Microsoft case settled. Microsoft has contributed more to the economy of this country (and the world) then any other entity in history. Let Microsoft get on with the business of innovating.

Irwin P. Garfinkle, Patent Attorney (Retired)
366 River Road Carlisle, MA 01741

MTC–00024853

From: vampsl@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: Microsoft Settlement

44 Elsie Lane
Grand Island, NY 14072–2704 IF
MERGEFIELD LCSZ
Okeechobee, FL 34974<>
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Department of Justice and the Microsoft have ended their three-year antitrust battle. I think this settlement was long overdue but I welcome an end to this litigation. I do not think the initial lawsuit was merited; but I want to give my support to this present agreement and ask that you do so also. It is time to put this behind us and get back to business.

Microsoft has more than acceded to the Department of Justice's demands. Microsoft has agreed to grant computer makers the rights to configure Windows to promote non-Microsoft software programs; Microsoft has also agreed to a monitoring committee to oversee future compliance. The company is even agreeing to reveal internal information about Windows to enable rivals to write more competitive software. Enough is enough.

We need to move forward. Give your support to the settlement that your department negotiated.

Thank you. IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. ambiguity's put on weight.<>

Sincerely,

No, there isn't room, the

Patricia Vampotic

0024853—0002

MTC–00024854

From: Pete Rourke
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft Settlement Enough!

I think that the terms of the settlement are sufficient and tough enough on Microsoft, and they are fair.

I think that we are circling the vultures that are trying to profit from this. The ingrown toenails of the legal battlers should receive another salve besides continuing to fan the flames of media controversy. I think not putting an end to this, will stifle the productive output of Microsoft, which makes products that keep a huge number of other companies generating income and employing millions of workers because of this.

If the legal wranglers of this case are latched on to gaining personal wealth for themselves, or are grandstanding for the benefit of keeping their elected positions, don't recognize that we are tired of this and should go on to other endeavors that produce a more positive output, then our country will continue to be victimized by vultures.

Pete Rourke
480–782–7744 W
480–225–8943 C

MTC–00024855

From: Kelley, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:20pm
Subject: Microsoft Settlement To Whom it May Concern;

I really think this has gone on to far. I think AOL is using this to much to there advantage. Doing anything to Microsoft will hurt the economy especially in the US. Microsoft is the ultimate example of Capitalism and allowed to continue to contributed to our overall success in the market place and as a country. Can we just even settle on the agreed upon terms and move on?

Further this suite filed by AOL is a cold vicious attack on its competitors over an issue that had already been settled.

David J Kelley
IT—Web Development Lead
Mutual of Enumclaw
800.366.5551 x 3448
253.639.6349
dkelley@mutualofenumclaw.com
pieseczek@hotmail.com

MTC–00024856

From: DavidNXA@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:18pm
Subject: Microsoft Settlement To Whom It May Concern:

As your decision is under consideration in this matter, please remember that it is important to all US citizens to retain freedom in the computing world. To preserve our rights, please make a decision that promotes freedom of choice of operating systems, software and hardware in digital creation and communication.

Thank you.

David Nicksay

MTC–00024857

From: Denny McClarren
To: Microsoft ATR
Date: 1/25/02 3:18pm
Subject: Microsoft settlement

How long are we going to allow this giant to crush any company that come up with brilliant ideas? The proposed settlement is definitely a BAD idea!

Judy McClarren
Holmes Beach, Florida

MTC–00024858

From: Paul C. Dain
To: Microsoft ATR
Date: 1/25/02 3:19pm
Subject: Microsoft Settlement

January 25, 2002
Attorney General John Ashcroft
microsoft.atr@usdoj.gov
US Justice Dept.,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to express my support for this settlement reached between your Department of Justice and Microsoft. While the specific terms of the settlement encompassed more than did the lawsuit itself, the settlement at least brings this entire unfortunate chapter to a close. While I do not necessarily agree with everything that Microsoft has done, I do feel that there could have been any number of preliminary steps that could have been taken before plunging our government into a costly, protracted federal lawsuit. There is an erroneous assumption that Microsoft's products should somehow be in the public domain, as if they, too, are a government entity. Clearly they are not. Microsoft, like any other private American business, should be free to dictate the terms under which it will grant license to use its product.

Sincerely,

Paul Dain
Director, Application Development
Wirestone Chicago
pauld@wirestone.com

MTC–00024859

From: Dorothy Lutey
To: Microsoft ATR
Date: 1/25/02 3:21pm
Subject: Microsoft

Netscape, AOL, looking for the deep pockets. Go out and earn your own money. Hard work, ingenuity doesn't always pay off.

Kudos to Bill Gates.

MTC–00024860

From: Matthew Motley
To: Microsoft ATR
Date: 1/25/02 3:20pm
Subject: Microsoft Settlement Dear Sir,

I feel that it is imperative that microsoft terminate its monopolistic practices. That is the only result of the settlement that I will consider acceptable. I do not pretend I have any idea about the best way to accomplish this; I leave such judgments to you. However, that Microsoft might continue to parlay its dominant position in computer software into dominance in other markets is unacceptable. Moreover, microsoft clearly has acted in an anti-competitive manner on numerous occasions, without remorse or any sign of a willingness to modify this behavior, and as such should suffer consequences. The penalty must be damagingly stiff, or the damages that microsoft has caused others must be reversed. Perhaps packaging Netscape, not internet explorer with their next 10 million windows sales might help mitigate one of the many anti-trust infractions. But do not back down from justice.

Yours,

Matthew Motley
351A Clinton St.
Brooklyn, NY 11231

MTC–00024861

From: David Huntsman
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: Microsoft Settlement Dear Sir:

I have been listening to all this talk and arguments concerning Microsoft. About how all these other companies are jealous of Microsoft and Bill Gates. Here are a few things to remember before passing judgement on this case.

*It was Bill Gates who said, ''I will put a computer in every household.'' All the computer manufacturers laughed at him.

*It was Bill Gates who took the Federal Governments lack of forsight on the internet, and turned it into a trillion dollar business for the world.

*It was Bill Gates who came up with operating systems that a novice computer person could work.

MacIntosh and Apple did nothing but try to get the business community to buy systems that were very difficult to work, extremely slow, very inefficient, and extremely expensive. But now they are angry with Microsoft because Bill Gates did what he set out to do, and every year he is constantly comming up with better ideas for the working class people. Just remember that its the working class people that pay for most everything in this country. Now I grant you that Bill Gates is not being nominated for Sainthood, but think about it, he has accomplished the american dream, and those who couldn't make their dreams come true, are trying to steal his.

In my opinion, which may or may not be relevant, this anti-trust suit is nothing more than another way to waste tax dollars, and the courts time.

Both of which could be used more usefully.

David Huntsman

Harrah, Oklahoma...

MTC–00024863

From: Jimmy Combs
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:18pm
Subject: If it weren't for Microsoft . . .

. . . the Department of Justice probably wouldn't even have computers!

If there is just one personal computer, anywhere at the DOJ, that holds Microsoft hardware or software, then the DOJ should be hung out to dry! As bad as you think they are, Microsoft is still the best at what they do. If the competition can't keep up with them and their developments, then tuff luck.

I read today that Wal-Mart is now the largest company in the world. I suppose next week, the Department of Justice will want to shut them down as well.

Thanks.

CC:'webmaster(a)microsoft.com''

MTC–00024864

From: David Witt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:25pm
Subject: ms penalties deal DOJ-

as a technical computer user and graphic/interactive designer, i have been on the front lines of the pc wars for 10+ years—although i use multiple OS's, i most definitely prefer Macintosh, and as such, it has been painful for me to witness the numerous ''dirty tricks'' that Microsoft has pulled over the years in effort to lock users into their platform and programs. i won't go into details, but will make a few comments, and then make a proposal for penalties:

first off, it is ridiculous to claim that Microsoft is an ''innovator'—it is well known that Microsoft's ''innovation'' is to either buy a smaller company's technology or create copycat programs, which they then leverage into the marketplace using their installed base. secondly, Microsoft hinders computer users worldwide by not adhering to standards developed by industry consortiums—they want consumers to think that a ''standard'' is something like Microsoft Word—their ''extend and embrace'' model means that they create a largely compliant product, but then alter crucial code so as to induce confusion, uncertainty and doubt into the marketplace, hopefully locking customers into their platform ''for their own good''.

i am not optimistic that this judgement will change Microsoft's behavior, unless there is substantial remedy, and i don't mean money—here is my proposal:

Force Microsoft to publish ALL APIs for their Windows operating systems—including the so-called ''hidden APIs'—this would allow developers for Windows software to be on a level playing field w. Microsoft's own engineers, as well as allow outside scrutiny of their code. it has been long speculated that Microsoft maintains a huge advantage in developing for Windows because it alone has access to many APIs that outside developers never see

I would like to see additional penalties/remedies, but have no further suggestions—my opinion is that Microsoft has and continues to leverage it's monopoly position for its own gain, and to the extreme detriment of its competitors and its own customers, and without considerable remedy, and lasting monitoring, they will continue unabated, as their recent XP expansion suggests...

sincerely,
-David Witt
Interactive Designer

MTC–00024865

From: Derek Schatz
To: Microsoft ATR
Date: 1/25/02 3:25pm
Subject: Microsoft Antitrust Settlement

Dear DOJ-

I wish to express my extreme disappointment in the structure of the settlement with Microsoft. The agreement does not impose any real hardship on Microsoft, and instead lets them capture positive PR by donating money and software to schools. This part of the agreement, by the way, further strengthens Microsoft's market position by encouraging assault on Apple's traditional strong place in education. Overall, there are insufficient penalties and controls on further anti-competitive behavior. Microsoft in their arrogance clearly regards this whole antitrust episode as merely another business issue to deal with, rather than an impetus to fundamentally change the way they do business. The software industry is somewhat unusual in that the nature of platform standardization enables the market leader to erect strong barriers to entry against new competitors. This is why Microsoft must be limited in a greater fashion than would a market leader in a more traditional type of industry.

Sincerely,
Derek Schatz
Information Security Consultant
Irvine, California
714–508–9344
dpschatz@home.com

MTC–00024866

From: Ron LaMange
To: Microsoft ATR
Date: 1/25/02 3:26pm
Subject: Microsoft Settlement

it's time to setttle this case and move on. The economy is in rough shape and any signs of recovery remain distant. Does delay in settling and moving on help anyone, is it a make work project for the government lawyers

Signed , a concerned taxpayer
Ron LaMange

MTC–00024867

From: dottilivengood@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:26pm
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,
Dotti Livengood
512 Portola Street
San Dimas, CA 91773

MTC–00024868

From: Alex Morcos
To: Microsoft ATR
Date: 1/25/02 3:28pm
Subject: Microsoft Settlement

I am writing to share with you that I am in total support of the Department of Justice and Microsoft on te proposed settlement that was reached recently. The US economy depends on firms like Microsoft for the innovation necessary to keep the US ahead of the rest of the world. As we realized after September 11, America has bigger fish to fry and the DOJ needs to pursue more emminent targets that Microsoft. Microsoft is a good company that produces great products that people love and cannot live without. Let them keep their innovation and creativity and encourage their competitors to do the same rather than use the justice system to weaken Microsoft.

I sincerely hope that you will resolve the issues with Microsoft and that you will finalize the settlement sooner than later. The new administration is already doing some great things that I believe will be remembered in history as the one of the best administrations to govern America. Keep it up and get on with more important issues.

Thanks for reading this. Alex Morcos.

MTC–00024869

From: V
To: Microsoft ATR
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement

I believe that Microsoft has provided great values all along in their products and services, and that the Justice dept and all the competitors that are against Microsoft should settle this case once and for all and quit wasting tax payers money on this bogus filing against Microsoft now and any others in the future.

MTC–00024870

From: Scott Hemmert
To: Microsoft ATR
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement

I have reviewed the DOJ-Microsoft settlement and believe that the settlement could have a detrimental on consumers. The settlement does nothing to jump-start innovation which has been stifled by the Microsoft monopoly. In fact, the many loopholes will in effect legitimize the business practices which the courts have found to be illegal. I feel that this settlement should not be allowed to stand.

Karl Hemmert
Orem, Utah

MTC–00024871

From: Caleb Basinger
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

Stop letting Microsoft leverage their System Software (Windows) Monopoly to drown out all of their Application Software competition. It's absolutely anti-competitive!

The ONLY remedy is to break up the company, so that they won't have the ability to use their Windows market share to boost their application software sales.

It's that simple!!!

Caleb Basinger
Basinger@mac.com

MTC–00024872

From: David Roberts (MCS)
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

As a citizen, a business person, and more importantly a parent; I feel the settlement is fair, just, timely, and makes a difference in the lives of children who are in desperate need o f the fruits of this settlement.

I just came back from Puerto Rico, where they were very supportive of receiving the benefits to the k-12 education system.

Please stop this clearly biased lawsuit protocol and move on.

Respectfully,
David Roberts
Father, Husband, and concerned citizen

MTC–00024873

From: Sira Webmaster
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

To Whom it may concern,

This is a letter from a concerned citizen. I am actually a college student, which puts me in greater contact with computers, as they are in constant use throughout campus. I also work with computers as I am a freelance web design specialist. I felt it necessary to add my thoughts to the pool of doubts and grievances being thrown at microsoft. From my personal experience, Microsoft products continue to meet low quality standards. I feel, as a consumer, that I am being marketed Microsoft products like Hershey's markets candy bars, by throwing new colors and useless features on the outside, while still producing a defunct, mercilessly frustrating product.

Compared to all other operating systems in the world today, I would rate Microsoft Windows lowest on the list. It is badly made, doesn't serve consumer needs, and is a blatant copy of apple's operating system. I feel that Apple never should have lost the lawsuit against Microsoft because the operating system is an obvious mirror image. That issue aside, the quality of Microsoft's products is due to their emphasis and orientation towards producing more, selling more. It is an example of capitalism gone awry, and so I urge you to take matters into your own hands and amend the situation.

Thank you for your time, and I urge you to make a speedy and just decision.

Michael Jergins
The Stein Institute for Research on Aging
http://medschool.ucsd.edu/SIRA/
sirawebmaster@ucsd.edu
(858) 534–6299

MTC–00024874

From: Khouri Giordano
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Settlement

I am a programmer with 15 years professional application writing experience.

About ten years ago, I came to the decision that Microsoft Windows 3.0 was a way to get the graphical interface of the Apple Macintosh on my cheaper Intel based hardware. I went to the Microsoft sponsored developer conferences and came home thinking of how I was going to use the great new stuff coming out of Redmond. Since that time, I've seen Microsoft move into more areas and push out other software vendors, most notably Netscape. Having to write and support software that runs on Windows, I've seen that platform become more complex and more prone to problems. Instead of being able to discover the real cause of a few problems, I've had to work around them. If I were able to fix a problem in Windows and there was a place to submit a change, I would have.

There came a point where I uninstalled Netscape and became a dedicated Internet Explorer user because it had more features and was more stable.

These days, I refuse to buy anything with Microsoft connections. I've switched from Internet Explorer to Mozilla which is the open source project on which the current Netscape is based.

I've come to loathe the company, their practices and their top decision making executives. I and the other Windows programmers where I work all laugh along with the Macintosh programmers at the Microsoft jokes. No one defends them any more. What intelligent person would defend a company that stymies any effort of hard working and innovative people.

I've seen DR-DOS (MS-DOS compatible), GEM (Windows alternative) and even OS/2 (Windows alternative from *IBM* of all companies) come and go. Other efforts to provide compatible software are rendered completely incompatible with every new release from Microsoft. That applies to Windows and their other applications.

I realize now that Microsoft was able to outlast the Clinton administration and now the winds have changed. Microsoft stopped putting up a fight because they knew that the consequences of losing have disintegrated.

My opinion is aligned with that of a wide range of professionals in my field. The current settlement proposal does nothing to inhibit Microsoft. It leaves them free to infiltrate other facets of peoples lives and there is no evidence to make us believe that will not use their hefty presence to squeeze out other players and buy out or crush anyone in their way.

More of the code I've been writing is now for both Windows and Macintosh versions of our products. Both at work and at home, I've come to favor FreeBSD (UNIX operating system) for my Intel hardware. Whenever given the choice to help Microsoft or help someone else, I have to go with the company that plays fair in the marketplace and provides the best products for the best price. That always ends up being NOT Microsoft.

Khouri Giordano
Software Technology Researcher
Nikon Electronic Imaging http://www.nikonusa.com/
kgiordano@nikondev.com 631–547–4335 631–547–0361 Fax

MTC–00024875

From: Ken Graham
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:33pm
Subject: Microsoft Settlement

To Whom it May Concern:

Regarding section III H 3, a copy of which is pasted here:

... Microsoft Shall:

3.Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment without first seeking confirmation from the user and (b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer. Microsoft shall not alter the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries other than in a new version of a Windows Operating System Product.

Please be advised that the above language, specifically: Microsoft shall ''Ensure that a Windows Operating System Product does not ... (b) seek such confirmation from the end user for an automatic ... alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer.'', does not constrain the length of time for such a reminder, thus allowing Microsoft to indefinitely issue such a dialog until such time as the user caves in, and selects such Microsoft Product or offering.

Is it not the job of the DOJ to redress the harm done by Microsoft? This agreement clearly does not do so. All this language does is delay their existing behavior. It does not fundamentally alter any of the existing Microsoft practices which fall within the scope of the aforementioned section, and fail to fundamentally redress the egregious behavior for which Microsoft has been repeatedly found guilty.

Please be advised that under no circumstances, should any installation of any product from any vendor ever modify any configuration of any component without user confirmation when said component is not directly and obviously under the pervue and user control of said product. Please consider the consequences of allowing any action to the contrary.

That the statement, ''the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries'' even exists in this agreement is evidence of the DOJ blessing existing Microsoft behavior. It is one thing for AOL to behave like this within

their own product. This is an annoying and arrogant behavior on the part of AOL. Since AOL does not allow any third party to interfere with their dysfunctionality, they are perfectly permitted to commit this cardinal sin without fear of judicial review. Additionally, were language like the above employed, they could still behave in such an egregious manner, for what they change is still under their control. However, when Microsoft does this same behavior it is different. This is an uncontested fact(except by Microsoft) who only wants complete free reign. Microsoft has blatantly set out to thwart and circumvent all attempts to prevent it from controlling all aspects, like AOL, and unfortunately, it looks like the DOJ is beFUDdled.(FUD=Fear Uncertainty Doubt/See Sun vs Microsoft). When I install a new version of any product, on any platform, there should never, ever, be an automatic reconfiguration of any product not clearly and obviously ''owned'' and affected, by the vendor and application, being installed. Seeing as installing a ''new version of a Windows Operating System Product'', is clearly unavoidable, they should not be allowed to infect the data and configuration space of vendors and products, not clearly under user control within the application(s) being installed.

A clear case of this, is the look and feel of MS Windows Explorer and MS Outlook(client).

Their behavior is controlled and configured within Internet Explorer. The poor computer user who is not well acquainted with the insidious behavior of Microsoft would be at a total loss to explain this seemingly terrible design and implementation, much less discover how to correct the problem. Upon investigation inside the Microsoft Knowledge Base, one will encounter the phrase ''As Designed'', which literally means, that this behavior is intended. It is not a bug. They intended to show that Internet Explorer is required, when clearly(to those who are informed and of sound mind and body) it is not.

A cursory examination of the UI's used by Outlook will clearly show that not only is Internet Explorer not fundamental to the OS, but that it was adhoc'ed onto existing applications, in a poorly implemented retrofit, so as to show to the uninformed exactly how required IE really was, when to any sane individual it was clearly not the case.

Regarding:

''Notwithstanding the foregoing Section III.H.2, the Windows Operating System Product may invoke a

Microsoft Middleware Product in any instance in which: '', subsections 1, and 2, of same.

With the issues of securing an operating system, from the point of view of the Microsoft Mindset, as blessed within the guidelines of this agreement, it seems that to abrogate all provisions, requires only the creation of an ''OS''(quotes added for emphasis/humor) which has ''security'', (read as attempt to provide illusion of security). Please refer to the patent granted to Microsoft, by the uspto, called ''Digital Rights Management Operating System''(application 227561). Under the guise of security, and NDA(non disclosure agreement), the ability of the public to know what Microsoft is doing will be non-existent. As a primary consequence, no complaint can be filed. Given that congress(lower case to show proper respect) has caved in to corporate conglomerates with the DMCA, then any attempt to discover how Microsoft has broken this agreement will also be illegal. Since this agreement relies on complaint driven inquiry to assess Microsoft compliance, the result will be again for Microsoft to have outwitted and clearly trivialized the DOJ and this court. You need to understand. Microsoft has no intention of keeping this agreement, any more than they have kept prior agreements.

This is not an inappropriate attribution. There exists mountains of evidence to support such an opinion and to act without regard to this evidence is tantamount to negligence and Dereliction of Duty. This agreement is naive, and shortsighted. It is consistent with a desire by the FBI to abridge the rights of citizens to privacy, without judicial review or constraint. This can only be truly accomplished in a closed system, like Windows, and not via the Open Source community. That this opinion is warranted can easily be attested by such things as ''carnivore'', and ''magic lantern'', as reported by Reuters, and confirmed by the FBI.

It is the opinion of this citizen, that the DOJ wants Microsoft in place, with its monopoly intact, so as to place their ''carnivore''/''magic lantern'' on every PC. Everybody knows(that is to say, that both vendors and consumers recognize the need for protection from what Microsoft allows, which is not allowed by default, if not impossible, everywhere else) that Microsoft products are the worlds worst culprits for replicating virii(multiple of virus), and without the possibility of user intervention, thus behaving ''as designed''(common phrase Microsoft uses to describe what would normally be called an egregious break of security or serious design/implementation flaw). The protections stated in this agreement do not include the Open Source community. The level of attention and the number of individuals of common intelligence involved in this case suggest that this cannot be an oversite. How is this possible given that Microsoft only considers the Open Source Community and Linux to be a threat? This evidence supports opinions already expressed above regarding the intentions of the DOJ. The DOJ, in order to create the appearance of Justice, allows for: V B, ''In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, ...'', which is made moot by provision: IV 4 D 4 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.'' A provision, which by declaration, prohibits testimony relevant to the former by those who are most in a position to testify to ''a pattern of willful and systematic violations''. I was under the impression that it was the intent of the DOJ to effect a change in behavior at Microsoft, and not just the appearance of doing so. I see no method outlined to address situations where legitimate differences of opinion occur. It is not difficult to foresee Microsoft testing the boundaries of this agreement, and getting, via ''case law'', precedents that result in another 1995 pointless agreement. Especially as it is nothing but SOP(standard operating procedure).

Were I asked to categorize what would be observed in this agreement by any person of sound mind and body, it would be a persistent attempt to appear to constrain Microsoft, without actually doing so. With rare exception, Microsoft is not substantively constrained. In fact, with recent announcements, and the desire of the FBI in concert with the Administration to abridge constitutional rights(''carnivore'' and ''magic lantern''), it would seem inevitable that justice will in this instance, again, not prevail. What I do humbly suggest to this court, which is within the scope and timbre of the existing agreement, is that all complaints be made public via a non DOJ and non Microsoft website(evidence suggests the DOJ is not ''clean'', and Microsoft we already know cannot be trusted). As each complaint is addressed and resolved, the originating complaint should be annotated as to status and resolution, so that the marketplace, by being fully informed, may execute justice.

Sincerely,

Ken Graham

MTC–00024876

From: Kdowsiany@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:34pm
Subject: Microsoft Settlement (corrected)
January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530
RE: U.S. v. Microsoft

OVERVIEW

For more than three years Microsoft has been defending itself in antitrust litigation brought by the U.S. Justice Department and eighteen states, including Ohio. The proposed consent decree between Microsoft and the U.S. Department of Justice reflects a settlement, which adequately protects the interests of the Department of Justice, the states and Microsoft, while achieving the desired goal of consumer protection.

UNCLEAR BASIS FOR ANTITRUST ACTION AGAINST MICROSOFT

Many critics, including the Buckeye Institute (Ohio's free market think tank) questioned the Justice Department's use of antitrust laws against Microsoft to punish the company's innovative use of technology, which provided useful products to businesses and individuals at low prices. The

involvement of the state attorneys general was even more puzzling. It has never been clear how Ohio's citizens have been in any way harmed by Microsoft's business practices. The only clear beneficiaries to this antitrust case are Microsoft's competitors who prefer to have Microsoft mired in litigation instead of competing in the marketplace.

IMPLICATIONS FOR ANTITRUST LAW IN THE DYNAMIC TECHNOLOGY MARKETPLACE

This case calls into question the relevancy of antitrust laws in the fast- changing technology marketplace of today. One of the main reasons for the government's case was to ensure competition in Internet browsers.

However, within several months of commencement of the case, the marketplace changed dramatically.

Microsoft's core business—writing the operating systems of personal computers—is under serious challenge from Linux and Apple. The center of gravity for computing is shifting away from the personal computer, where Microsoft has a significant presence, onto the Internet where the conglomerate AOL-Time Warner is the major player. As technology progresses, the focus will likely move to personal digital assistants, web-enabled telephones, satellite-based communication devices, and other tools.

The litigation against Microsoft sent a message to the rest of the technology economy that the use of innovation to meet consumer demands in an efficient manner will be punished by government agencies in the courts. This message sent shock waves throughout the American economy and hurt development in the technology sector.

EFFECT ON OHIOANS

The value of Microsoft stock tumbled by nearly 40% as the case dragged on. The more than 100,000 Microsoft shareholders that reside in Ohio collectively lost millions. And that does not include those investors who hold Microsoft stock in their mutual or pension funds. Other smaller technology company stocks fared even worse.

BREAK-UP OF MICROSOFT WOULD WEAKEN ECONOMY AND HURT CONSUMERS

The Buckeye Institute has publicly commended Ohio Attorney General Betty Montgomery, who has been involved with the case from a very early stage, for her support of the settlement and resistance to pursuing the break-up of Microsoft. She recognized that breaking up Microsoft would weaken our already slow economy, hurt consumers by limiting product development, and set a bad precedent effectively discouraging other high tech firms from investing in innovation and creativity.

SETTLEMENT MEETS GOALS OF CONSUMER PROTECTION WHILE PERMITTING CONTINUED INNOVATION IN THE MARKETPLACE

For those who have concerns about Microsoft's business practices, the settlement contains significant rules and regulations on how Microsoft designs, develops, and licenses its software. For example, all new Microsoft operating systems would have to include a mechanism that allows easier removal of the Microsoft Internet browser to switch to a different browser. Importantly, however, this settlement will still allow Microsoft, which has been a lead engine of the American economy over the last decade, to focus on innovation and productivity instead of on defending itself from government attacks in the courts.

The proposed settlement satisfied the Justice Department and nine of the states that joined in the antitrust action. It adds consumer protections while permitting Microsoft to continue as a responsible industry leader. In the long run, Microsoft's continued ability to innovate and create products that meet marketplace demands is the real benefit to consumers.

Sincerely,
David J. Owsiany, J.D.
President
The Buckeye Institute for Public Policy Solutions
4100 North High Street
Suite 200
Columbus, Ohio 43214
Phone: (614) 262–1593
Fax: (614) 262–1927
E-mail: owsiany@buckeyeinstitute.org

MTC–00024877

From: jackie hill
To: Microsoft Settlement
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement
jackie hill
367 springdale
bradenton, fl 34210
January 25, 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.

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,

MTC–00024878

From: Tom Minchin
To: Microsoft ATR
Date: 1/26/02 6:35am
Subject: Microsoft Settlement

Your Honor,

As a private consumer of Microsoft products, I would like to put on record my firm belief that Microsoft has been the victim of a terrible injustice and if anything is owed an apology.

Microsoft has conferred great economic benefits on me, by making my business far more efficient through use of its software. I can only applaud its policy of upgrading its products. If this makes it hard for competitors, instead of trying to shackle Microsoft, these competitors should re-double their efforts to come up with a better mousetrap.

The US is a great country that is supposed to champion capitalism. This means that it should repeal the non-objective Anti-trust laws and let a great company like Microsoft lead the world.

Yours,
Tom Minchin,
1 Robinson Court,
Bayswater North,
Melbourne,
Victoria, Australia 3153

MTC–00024879

From: johnoneill36@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:34pm
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,
John O'Neill
2797 Calle Alegre
CA 94566–5878

MTC–00024880

From: abrsr@epix.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:33pm
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,
Alfred Roeckel
150 N. Crescent St.
tremont, PA 17981

MTC–00024881

From: Dirk Van Dongen—NAW
To: ''microsoft.atr(a)usdoj.gov .''
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement

The National Association of Wholesaler—Distributors strongly endorses the bipartisan settlement negotiated between the U.S. Department of Justice, several states and Microsoft . The settlement represents good news for the economy and for consumers of technology.

High technology is not a single industry, but various types of businesses linked together: chip makers, software developers, equipment manufacturers and marketers, service providers, and more, all working to the ultimate benefit of consumers. When government negatively impacts a pillar of the industry such as Microsoft, the entire sector suffers, as do consumers and the economy.

The terms of this settlement address the aspects of the case that were upheld by the Appeals Court, and do so without damaging Microsoft's ability to compete. Microsoft is constrained from harmful competition, but can continue to compete to improve upon and offer Windows, which is used throughout our industry, at a reasonable price.

That is precisely what our members, who are highly dependent upon networked computer systems, need: technology which is easy to use which is available at a good value.

The Microsoft settlement is the best way to achieve these ends , to the benefit of all. Prolonged litigation will only further damage our economy.

Thank you for the opportunity to allow our organization to voice our endorsement for the settlement. We urge its adoption with all due speed.

Dirk Van Dongen
President
National Association of Wholesaler—Distributors
1725 K St., NW
Washington, DC 20006

MTC–00024882

From: Sally70596@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:38pm
Subject: Microsoft Settlement

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys'' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael & Sally Pickett
963 Morello Ave.
Martinez, CA 94553–4749

MTC–00024883

From: louzano@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:36pm
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,
LOUIS SPEZZANO
19 WILD HORSE ROAD
STAMFORD, CT 06905

MTC–00024884

From: Christopher J. Carroll
To: Microsoft ATR
Date: 1/25/02 3:39pm
Subject: Microsoft Settlement

Microsoft has clearly demonstrated an utter contempt for for the law of this nation. Time and time again, this corporation has exerted monopoly power to strangle competing technologies. This has resulted in the consumer being forced to purchase and use deeply-flawed Microsoft products due to an effective unavailability of other options. This court should demand fundamental structural changes to ensure that Microsoft can never again use its market power to harm our economy.

MTC–00024885

From: Ogg Robert G
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:40pm
Subject: Microsoft Settlement.

I believe now is the time to settle. After so many years this ongoing case has had a bad ongoing affect in the IT industry, I believe the terms of the deal to be acceptable to both party's and a settlement can and will also help to turn the slowing down of the IT industry as people/company's and concentrate on creating new and improved products

MTC–00024886

From: Carse312@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:41pm
Subject: Microsoft settlement

To Whom it mat concern,

I understand that a few liberally politically comtrolled states comtinue to hold out for a big payday. I consider their actions to be using their constituants as a veil for extortion. No one really believes that these politicians/lawyers concern is for those individual citizens wronged through Microsoft's alleged anti-trust.

On the contrary, if anything at all, most individuals across America, and the world benefited greatly through Microsofts inovative development of components for third party development of Windows and Internet explorer applications.

Microsoft held no one back, rather if anyone was held back in the highly competative software industry, it was of their own undoing.

I remember well in the early 90's, how publicly owned computers at various public libraries across the State of Illinois, refused to install Internet Explorer on their public Internet access enabled computers. Only Netscape was allowed on—public computers then.

How do these States now argue that Microsoft manipulated government agencies into accepting IE on their computers. I see a very deeply seaded attempt by these state governments to dip into Microsoft's deep pockets for no other reason then a source with easy access. You government types really need to be a bit more covert when taking money from a baby.

Sincerly,
Carson E. White, Lawyer/Software developer.

MTC–00024887

From: Charles Myers
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:35pm

Subject: Microsoft Settlement
Charles Myers
4326 Mariner Lane
Fairfax, VA 22033
January 25, 2002
Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

I have closely followed the progress of the Microsoft case. I am greatly saddened at the amount of tax payer's dollars used in this case. While I feel that the Federal government is correct in using legislation and the courts to ensure fair competition and open markes, the time has come to cleanly and clearly make an end to this case. With the United States in a state of economic recession, now is not the time for a prolonged court battle. The technology sector is one of our greatest assets as a nation, and we need to allow them to go back to work on innovating products for this new millenium.

As such, I feel strongly that the breakup of Microsoft is not needed.

What is needed is:

Clear guidance on what is allowable for ''bundling'' of software;

Release of the source code for present and future Microsoft and non-Microsoft operating systems, and;

Limits on current modes of software licensing.

On this last point, I feel the most strongly. At the turn of the last century, book sellers would put a notice in their books that the book could not be ''resold'', as the book was considered the intellectual property of the publisher. In another similar case, recording companies in the 1930s tried to expand their rights under copyright protestion by using licenses (or contracts) that were implied to be consented to when the consumer opened the package. This was found to be illegal under RCA v. Whiteman by the Second Circuit Court of Appeals.

Yet, in this new century, we are allowing software manufacturers to force consumers to constantly pay for features they do not want or need because of licensing. A simple return to copyright law to apply to all media, i.e. books, recording, and software, would be more beneficial, less costly, and more timely than the current situation. Product innovation should spurn consumer spending—not the fine print on unread licenses! Return software to the protection (and ONLY the protection) offered by copyright law and the doctrine of first sale.

Sincerely,
C. Daniel Myers

MTC–00024888

From: Bill Davies
To: Microsoft ATR
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am appalled by the Government's desire to brush a huge monopoly under the rug in the interests of ''saving the econonmy.''

A federal judge has ruled that Microsoft engaged in monopoly practices, and they should be dealt with accordingly. Your office should not cave.

They continue to drag this out and get their hooks into more and more markets while the parties dicker over a settlement. Can't you see that? Pretty soon people will not be able to access the internet unless they have a Microsoft product or Microsoft operating system. This is sheer madness. I can't believe your office is so toothless.

I hope your office will wake up and put some honest effort into antitrust enforcement against Microsoft, which has been adjudged a monopolist, and which ruling has not been overturned.

Bill Davies
Member, California and Alaska Bar

MTC–00024889

From: dwight@ellensburg.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:41pm
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,
Dwight Bolton
630 ALFORD RD.
ELLENSBURG, WA 98926

MTC–00024890

From: Brandon Harvey
To: Microsoft ATR
Date: 1/25/02 3:40pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to point out briefly that my e-business, Artsonia.com, runs largely on the Windows platform. We do a great deal of scripting and automation in the course of running an online museum and custom production workshop. We would benefit greatly if Microsoft software interoperated better with software from other developers.

We believe that the proposed settlement does not do enough to ensure this.

Sincerely,
Brandon Harvey
Program Director
Artsonia
http://www.artsonia.com

MTC–00024891

From: Rajen J. Shah
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

I am writing to you with my comments on the proposed settlement between the DOJ and Microsoft on this long-running case.

(1) I am very relieved that a settlement has been reached. In particular, I think a lot of time and money was spent on this case by both sides, and it also caused a lot of distraction in the industry. I am happy to see an end where money is used for more productive activities.

(2) I am concerned that Microsoft be kept from its earlier rough handed practices. There is no need for such behavior in this industry. I believe that the settlement adheres to the findings of the court and will hold Microsoft accountable for conducting legal business practices.

(3) I totally disagree with the ''holdout'' states stand on increasing the scope of any settlement. What they have proposed smells very much like what Microsoft's competitors have been trying to do to Microsoft—particularly Sun Microsystems, Oracle and AOL. I don't want taxpayer dollars going to fighting on behalf of companies that cannot compete in the marketplace.

(4) I am a software engineer and spend a lot of time on building web sites for customers. My platform of choice is Windows (2000). I had spent an untold number of hours, which I consider wasted, trying to make my software work on multiple platforms. In particular, at least 40% of any project is spent making my applications work on both IE and Netscape. Netscape has fallen way behind in terms of features and should be killed. Also, there is no need to have another browser available to the public, especially if it is something that is developed out of the source of IE that the holdout states are proposing. That will confuse the public and will also cause real problems for people like me.

(5) Also, proposals to provide software such as Office on multiple platforms does not make sense. An untold number of hours would be wasted by Microsoft to do this, and it does not even make sense from a business perspective. If some other company wishes to develop such software for operating systems such as Solaris or Linux, they should do it with their own money. Microsoft already supports Windows and the Apple.

Overall, I strongly support the settlement and wish to move on to solving user problems.

Thank you.
Rajen J. Shah

MTC–00024892

From: j. wesimeyer
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

Dear Madam/Sir: (Jan 25, 2002)

The spelling at the top of this page is slightly in error. The correct spelling is:
John Wiesenmeyer
Caulfield, Mo. 65626

And yes, Im a taxpayer, homeowner, voter. You will find the above person in the Howell County Missouri archives.

I consider myself a Microsoft user, customer, and might I say, VICTIM!!!!!!!!!!!

Effective e-mails should be short, especially at this time, so I cannot elaborate at length as to my complaints with Microsoft, but Ill list a few:

I had 4+ years experience with Microsofts old OS, DOS 6.22/Windows 3.1 before trying

Windows 98 this past November. So Im not a newbie, as they say.

Nevertheless, it took me several days to figure out how to get Netscape 4.7.8 to run in Win 98. Little obscure dialog boxes all over the place that have to be set so Netscape can work clean and free without Internet Explorer barging in and taking over.

You folks should know all this. Why do you ignore it? And look at the way the Internet Explorer files are WOVEN IN AND THROUGH the Windows Directory. The Windows directory is the heart and soul of the OS.

If I.E. is thickly embedded therein, than how can we conclude I.E. is some kind of separate entity?

Oh well, aside from what is obvious, another gripe I have is that the bar associations, and you at DOJ, have allowed all software producers, not just Microsoft, to run free and clear of any legal retaliation for their defective products. Companies like MS and hundreds of others, have their lawyers write out those clever USER ACCEPTS SOFTWARE [AS IS]] licensing agreements (so-called), which is an insult to consumers.

HOW FAR WOULD YOU HAVE ALLOWED FIRESTONE AND/OR FORD MOTOR COMPANY TO SLITHER AWAY FROM LIABILITY WITH LEGALESE OF THAT SORT????

But you let the software companies do it day in and day out.

Why??????????????

Defective software, from Microsoft and others, has cost me hundreds of hours of wasted time, and in a business setting, costs companies millions of dollars each year in pure waste, because of sloppy program code, and you let them get away with it.

YOU ARE NOT LETTING THE AIRLINES GET AWAY WHEN THEIR PLANES CRASH.

YOU ARE NOT LETTING FIRESTONE GET AWAY FROM LIABILITY.

Your standards stink. Your justice is far from blind; it is prejudicial, to the extreme.

Thank you.

John Wiesenmeyer, voter, taxpayer and veteran of U.S. Army 51st Infantry Division, Charlie Co., 3rd Btn. 1970

417–284–3951

call me, and Ill give you an earful of testimony why all these software bandits should be tar and feathered.

Thank you.

MTC–00024893

From: jim@bostonvr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:54am
Subject: Microsoft Settlement

Greetings,

I am writing in regards to the impending settlement issues with the US government and Microsoft.

I am deeply concerned of the tone set by the Justice Department and it's willingness to accept the settlement of computers and services for poor schools. This has been well stated in broad terms and I concur with the facts that this sanction against Microsoft is unacceptable.

Furthermore, I am concerned that this settlement is a political move. The issue is that Microsoft has broken the law and been found guilty of monopolistic practices. The only way to control further problems is to break the company up. They won. Now it is time to dismember the company into components and let them as well as other companies continue to compete for business.

This is not a serious problem since the cash the company has can be used to allow each segment of the company to flourish for the short term.

Let each division compete against each other. This is the American way!

Let us look 20 years from now. Microsoft will control your tv, internet, and your online transactions. They potentially have the opportunity to control communication as well as a major player in the banking market. How did they get there, with the resources obtained through a monopoly. Having one company controlling greater than 94% of the computers in this country is a pretty scary.

I will say that again Having one company controlling greater than 94% of the computers in this country is a pretty scary.

This is not a question of innovation. This is a question of control and power.

Would the justice department be concerned if any one country controlled(and Microsoft does) 94% of a market

What if Citibank controlled 94% of all banking in the country

What if Kemper Insurance controlled 94% of all insurance policies commercial and residential?

What is Exxon sold 94% of all oil in the country?

What is Johnson and Johnson manufactured 94% of all drugs in the country?

The list can go on and on. . . . . America is about competition and capitalism.

Taking the software and making code open to others is just plain wrong. The amount of resources required to redevelop new products would take too long for a company to catch up to Microsoft. By breaking the company into parts allows for capitalism to breed a new.....the basis for what this country stands for.

How could the company be broken up.....3 parts.....each company gets all rights to all parts of Microsoft. (intellectual, monetary, as well as assets) Basically this is what happened to ATT but in that instance, there were location issues.....hence the actual dividing was done in territories.... The nature of software is portability....hence let all parts take ownership.

This would allow each part to decide which way the new companies can go forward.

What did the government do with ATT.....ATT had to give up control of the local wires.....

If you break Microsoft up, you will get cheaper products and a race to make a better product.

Microsoft is too big to contend with in any other way. Monetary damages are not enough for it will be the American public that pays.....not Microsoft.

Let's look at this a some foresight, courage as well as wisdom. It is the obligation of the justice department to correct a problem that is going to get much worse. I hate Vanilla, let's put some more flavors on the menu.

Sincerely
Jim Mooney
3 Lamb Lane
Boston, Ma 02021

MTC–00024894

From: Janice Kramer
To: Microsoft ATR
Date: 1/25/02 3:47pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand that you will be deciding shortly on finalizing the terms of settlement reached in November with Microsoft. I want the Department of Justice to leave Microsoft alone. This antitrust lawsuit has been the biggest waste of time, has cost the taxpayers millions of dollars, and has negatively impacted the computer industry and the economy. Microsoft has been forced, at the vise of the competition, to defend their business practices, and battle to keep their innovative products and business intact.

With no foreseeable end to the litigation, Microsoft has agreed to satisfy demands made by the competition. The settlement is far more than fair to the competition. I don't feel Microsoft should have to give anything away, and certainly not forced to. I know Microsoft is sharing parts of its Windows programming to allow the computer manufactures to offer software programs other than Microsoft's and users to make the operating system more changeable to their own preferences. I feel that these changes will produce even more superior products from Microsoft and give Microsoft more dominance in the software industry.

Whatever has to be done to return Microsoft back to business immediately is the right thing to do.

Microsoft feels that settling this is the proper thing, and I entirely support this position.

Microsoft has been treated terribly for giving the world Windows. There should be no further legal action taken against Microsoft. Accepting the terms of the Microsoft settlement is the only justifiable course of action.

Sincerely,
Janice Kramer
120 Horton Hwy.
Mineola, NY 11501

MTC–00024895

From: Jansa Hobbs
To: Microsoft Settlement
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement
Jansa Hobbs
Route 1, Box 142
Mauk, Ga 31058
January 25, 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.

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,

Jansa HObbs, Taylor Co. Ga.

MTC–00024896

From: Philazz@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:48pm
Subject: (no subject)

I get the impression that the United States Government is allowing itself to be used to stop Microsoft, by competitors. They want the government to do for them what they have not been able to do for themselves.

Let Microsoft continue to do the wonderful job they are doing. Where would we be without them. At least Microsoft is keeping the cost of software reasonable.

Phil Azzolina
philazz@aol.com

MTC–00024897

From: Rob Lingelbach
To: Microsoft ATR
Date: 1/25/02 3:48pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement is a very bad idea.

sincerely,
Rob Lingelbach
Sysadm, Computer Animation Lab
California Institute of the Arts
rob@film.calarts.edu
http://www.alegria.com
rob@alegria.com

MTC–00024898

From: Jeff Dean
To: Microsoft ATR
Date: 1/25/02 3:50pm
Subject: Microsoft Settlement

I believe the terms of the settlement agreement between Microsoft, the DOJ, and the 9 participating states are reasonable and fair. I encourage final adoption of this agreement.

Thank you,
Jeff Dean

MTC–00024899

From: Nayfield, Rod
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:50pm
Subject: Microsoft Settlement

I believe that this proposed settlement will only lead to extension of the monopoly position of Microsoft. I believe that you should reject this settlement.

MTC–00024900

From: McJ
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

I don't agree with the Microsoft Settlement. I have been dogged and obstructed from doing my job as a process instrumentation and control engineer since 1994 by Microsoft's strangle hold on the computer industry. I have struggled with OEM e.g. Dell, Gateway, Micron, Compaq, and IBM to get computers pre-loaded with other operating systems other than Microsoft, and have repeatedly been told we can't supply anything else. I have asked for OEMs to provide systems without Microsoft Windows e.g. no operating system at all, and have been told I must purchase the systems with Microsoft Windows whether I wanted it or not. So I end up paying for something I didn't want, need, and couldn't use to do the job I was assigned to do. To get around this situation I had to build my own computers and load the desired operating system to do the job. However, there was still an issue with finding software to run on other operating systems other than Microsoft Windows, everybody is writing software for Microsoft Windows. I DON'T AGREE WITH THE MICROSOFT SETTLEMENT! What should be done is to take the money from Microsoft that they obtained illegally through their monopoly power and use it for consumer education about computer operating systems choices, foster development of software for other operating systems, make OEMs provide choices of operating systems to the consumer and disclose to them their capabilities.

MTC–00024901

From: Dean Daniels
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement
Dean Daniels
6128 Elliot Ave So
Minneapolis, Me 55417
January 25, 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,
Dean Daniels

MTC–00024902

From: Jeff Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:46pm
Subject: Microsoft Settlement
Jeff Wright
4616 Village Drive
Fairfax, VA 22030
January 25, 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,
Jeff Wright

MTC–00024903

From: Darrick Brown
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:53pm
Subject: Against Microsoft Settlement
From:
Darrick Brown

80 Mariani Ct
Redwood City CA 94062
(650) 365–5413

Dear Sir/Ma'am:

I work in the computer software industry and I strongly oppose the proposed settlement against Microsoft. The settlement is a step in the right direction, but it is severely inadequate in its reach and scope. I feel that it will insufficiently prohibit Microsoft from committing similar acts in the future, and the proposed settlement also does little to punish them for the acts of which they have been found guilty.

I urge you to find a comprehensive solution that will actually benefit individuals, restore competition to the computer software industry, punish Microsoft for their illegal past actions, and prohibit Microsoft from committing such actions in the future. The health and future of the computer and software industry depends heavily on this decision.

Sincerely,
Darrick Brown
80 Mariani Ct
Redwood City CA 94062
(650) 365–5413

PS—I have included my specific thoughts below in the case where they may be helpful.

In Section III.A, the end of the second paragraph reads: ''Microsoft shall have no obligation to provide such a termination notice and opportunity to cure to any Covered OEM that has received two or more such notices during the term of its Windows Operating System Product license.''

OEM licenses terms could stretch years, if not decades. This gives Microsoft too much room to exploit this. Section III.A does not give specific situations when Microsoft could issue termination notices. Microsoft could just issue notices for minor problems to get past this ''two notice'' minimum, at which point they could resume their practice of threatening OEM's with unnannounced license terminations. This part of the proposal should be eliminated.

Section III.J reads: ''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...''

You may have noticed that Microsoft has recently changed their entire corporate focus to ''security and trustworthy computing''. Section III.J would allow Microsoft to easily circumvent the provisions in Section III.D (API disclosure) by claiming that it contains sensitive security related information. The API disclosure should be open accross the board, including security and digital rights management functionality. If their security models were good, it shouldn't matter if other individuals/corporations see them. The security would work as apart of its design rather than its obscurity.

These are the largest flaws of the proposed settlement. These two flaws would cause little change to how Microsoft operates as it provides them ample opportunity to circumvent the major provisions within the proposal. Eliminating these two flaws would make the proposal much better, but it would still fail to properly punish them for the actions they have been found guilty and the proposal is still extremely weak in its enforcement of the provisions going forward.

Thank you for your time.

Sincerely,
Darrick Brown

MTC–00024904

From: avery bartlett
To: Microsoft ATR
Date: 1/25/02 3:51pm
Subject: lay off microsoft

all the government should lay off microsoft because nobody in the government know's anything about running of a business.

MTC–00024905

From: Tim R. Broering
To: Microsoft ATR
Date: 1/25/02 3:49pm
Subject:
Timothy R. Broering
President
Programming And Micros, Inc.
tim@pamcc.com
(937)437–1113
MTC–00024905—0001
PROGRAMMING AND MICROS
146 N. Washington SL
New Paris, Ohio 45347
Phone: [937] 437–1113
Toll free: 888–5-FOR-PAM
Fax: [937] 437–1117
E-mail: Info@pamcc.com
URL: http://www.pamcc.com
January 10,2002
Attorney General John Ashcroft, US DOJ
950 Pennsylvania Ave.
Washington, DC 20530

Dear Mr. Ashcroft,

I really think that our government went to extremes filing this lawsuit against Microsoft several years ago. Of course, Microsoft had a virtual lock on the operating systems software market. But this wasn't necessarily due to Microsoft's refusal to be fair; rather, this was due to the fact that they had the best, most reliable software of its kind that fostered an entire generation of computer users. This is not a monopoly. This is good business.

Microsoft prevented no one from competing with its software, as the U.S. Post Office does by preventing local mail delivery. However, since its software has been so flexible and intuitively easy to use, more and more consumers voluntarily chose it, and are now avid computer users.

All this having been said, I am pleased that there is a settlement in place. Even though this settlement goes beyond the scope of the lawsuit, even obligating Microsoft to divulge interoperability protocols and monitoring Microsoft with a new three-person committee, it has the advantage of ending the litigation. I am hopeful that this settlement will prevail and we can all put this episode behind us.

Sincerely,
Timothy Broering

MTC–00024906

From: Brad Anderson
To: Microsoft ATR
Date: 1/25/02 3:54pm
Subject: Microsoft Settlement

To whom it may concern;

I am fully opposed to the settlement regarding the Microsoft case. I regard the settlement as another opportunity to allow an already very powerful company excessive inroads into the educational market which remains one of the strongholds of Apple computers market share. Though my interest isn't so much in their gain, I fear that any settlement reached with Microsoft that could bias the platform determination of a school, may lead to Apple computers overturn, thereby leaving my, and millions of other users, investments without continued support.

A more fair solution may be to continue with the same monetary settlement, which would have to be spent on competitor's products, i.e. non-wintel systems. This would still provide schools with much needed equipment, while not allowing the corporation to benefit from legislative active which is intended to be a punitive.

Thank You
Brad Anderson
37 Earl Street #3
Malden, MA 02148
781.605.0153
jordiebrad@mediaone.net

MTC–00024907

From: Paton J. Lewis
To: Microsoft ATR
Date: 1/25/02 3:54pm
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft is not good for America, and will not prevent Microsoft from continuing its long history of anti-competitive practices.

I am writing as an individual, and not as a representative of Adobe.

Thank you for your attention,
Paton Lewis
Engineering Manager
Adobe Systems
206.675.7399

MTC–00024908

From: Sharrob2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:55pm
Subject: Mcrosoft settlement

To whom it may concern....

I am in agreement with any settlement that Microsoft has agreed to.

Robert W. Moore

MTC–00024909

From: Robert Button
To: Microsoft ATR
Date: 1/25/02 3:55pm
Subject: Microsoft Settlement

I completely DISAGREE with the U.S. v. Microsoft proposed settlement. Microsoft has been found GUILTY of operating a monopoly to the harm of consumers. The proposed settlement does NOTHING to protect consumers from further damage Microsoft could inflict. Something SUBSTANTIAL

must be done to ensure that consumers have viable alternatives to Microsoft products in order to maintain competition in the marketplace.

Sincerely,
Robert M. Button
28344 Stonegate Circle
Westlake, OH 44145

MTC–00024910

From: Catfish
To: Microsoft ATR
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

The original idea that MS should be broken up is the only one that will work—basically they are now getting off scott free because nobody has the balls to challenge them. How a bunch of overpaid government employees and lawyers can argue for years over the bloody obvious is a scandal. It is a self evident truth that they abuse their OS monopoly to strangle everyone else out of the market.

What is there to discuss, break them up.

MTC–00024911

From: Valeri Liborski
To: Microsoft ATR,governor@governor.ca.gov@inetgw
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

I would like to express my concerns about direction where Microsoft Settlement is going.

Bunch of the companies that not capable to win market place in fair competition with Microsoft are trying to ruin the company by:

Sponsoring Non-profit organizations (and influencing them to take actions that harm MS): American Antitrust Institute (AAI) which finances partially by Oracle;

Failing ridiculous law suites (AOL/Netscape);

Trying to build negative PR about MS by publishing unverified/incorrect or out of context info (CNET)—every day http://news.com has from one to 4 articles about MS, none of which describes how much company does for customers (more than any other Software company in the world);

Lobbying for Standards bodies to use their technology vs new innovative from MS using muscles of anti-MS coalition and longer market presence: SUN with Java, backed up by Oracle, AOL;

Having double standards for MS and other companies—Java licensing belongs to SUN and MS was sued for using it in its products; and complains about MS not including Virtual Java Machine in XP (perhaps MS doesn't want to have one extra law suite?);

We, people, who are paying both Federal Taxes and California Taxes are concern that these funds are being used to damage economy of country; economy of state; jepardize jobs and wellfare of hundreds of thousands (millions) of people who do have job thanks to Microsoft Technologies—including people who work in thousands of Silicon Valley companies which wouldn't exist otherwise since they are making products on top of MS technologies; decrease quality of life of hundreds of millions of people around the globe who are using Microsoft Products that have best quality and design.

I would recommend settle the outstanding cases and let people in Microsoft do the job and their customers enjoy outstanding products, instead of supporting competitors and allowing endless law suites (seems like anyone who is not lazy is submitting law suite against MS). We all should support US economy and don't kill it.

Market should prove who is best, not regulations on how many titles of Software each company is allowed to produce.

MTC–00024912

From: Ernie Fisch
To: Microsoft ATR
Date: 1/25/02 3:56pm
Subject: Microsoft Settlement

I sent an email yesterday but it was quite brief. I want to expand a bit. As a user of a minority operating system I feel the bite of Microsoft's illegal tactics every day. I can't get drivers for new equipment because of Microsoft's exclusionary agreements with equipment manufacturers. I have more and more trouble using what are supposed to be open media because of Microsoft's subversion of open standards. Too many instances of this stuff occur for it to be an accident. Microsoft wants to destroy minority operating systems.

I find it quite incredible that having proven that Microsoft is monopolistic and uses their position to destroy competition that the government would propose such a feeble and essentially useless remedy. Microsoft monopolistic practices must not only be stopped, they must be reversed.

Ernie Fisch ernfischMicrosoftcox.net

MTC–00024913

From: David Brown
To: Microsoft ATR
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

I support the agreement of the Department of Justice and the antitrust settlement between Microsoft and DOJ and nine states.

I do not think any further actions are needed and feel that in these times of more important issues we should move on. As a tax payer I think my money could be better spent on other issues.

I hope that the settlement between Microsoft and DOJ will be final in this long issue.

David D Brown
309 Gandy Court
West Columbia, SC 29169
803–951–3789

MTC–00024914

From: Edward Goodrich
To: Microsoft ATR
Date: 1/25/02 3:58pm
Subject: letter to Mr.Ashcroft

Dear Microsoft.

Something happened to the letter I attempted to send to Mr. Ashcroft. Please send it to me again.

I feel that i will need help to forward it. Please call me by phone at 828 287 3434 so that I may comply.

Edward E. Goodrich

MTC–00024915

From:
To:
Date:
Subject:
Dave Beers
Microsoft ATR
1/25/02 3:58pm
Pro-Microsoft

MTC–00024915 0001

It is a tragedy that Microsoft, perhaps the most important and uniformly ethical company in the history of the US, continues to be targeted by incompetent competitors, lawyers, and other parasites who are effectively killing the industry and world economy.

Every industry in every sector has benefitted from Microsoft's unrelenting focus on doing what's fight for the customer, regarless of cost to itself. All arguments within the company about what to do revolve not around how to eradicate competition, but how to do what's right for the customer—get them more features, more capacity for less money.

As a corporation, and as a group of individual employees, no company can claim a more serious and more tangible dedication to education, the arts and sciences, promotion of diversity, and other charitable and laudatory social causes.

As I am primarily an Apple-user, I have personally benefitted from extensive innovation on all three major platfoms (windows, apple, and unix). My bias remains in favor of relatively blue-collar-behavior of IBM/Microsoft/Apple/Dell entities who keep their nose to the grindstone, continually investing in R&D in an endless pursuit of more benefits and better value for their customers, and to whom litigation is at the bottom of their priorities

It is unfathomable to me that any goverment or judicial entity would prefer to hear a story from entities like AOL/Sun/Oracle who have gone years without making any improvements in either the quality or the value of their own products, in favor of disparaging and litigating against Microsoft, and who spurn investments in R&D, preferring instead to invest in lobbyists, lawyers, and anti-MSFT marketing. AOL with it's cross-media empire that includes controlling interest in cable companies and access to broadband distribution is by far the scariest entity—more so than Microsoft ever was, or could be—to those of us consumers who continue to get billed without recourse, months and years after trying to terminate a relationship with them.

Steve Case and Larry Ellison are the shady and unethical parasitic salesmen.

Bill Gates, Steve Balmer, Michael Dell, and Steve Jobs are creative geniuses and heroes.

.02 cents from: Dave Beers, Seattle WA

MTC–00024916

From: iand and wei
To: Microsoft ATR
Date: 1/25/02 3:59pm
Subject: Microsoft Settlement.

Dear Department of Justice:

Under the Tunney Act, I would like to comment on the proposed final judgement in the United States v. Microsoft case.

As a concerned citizen who has some experience using computers running

operating systems from Microsoft and other organizations I am concerned that the proposed final judgement does not protect consumers and companies competing with Microsoft. I use Microsoft operating systems where I work. A few weeks ago my computer suddenly started shutting down improperly, and I called our help desk to ask if they could fix the problem. I was told that the problem was a well known defect in Windows 98, and that Microsoft had no intention of fixing it. This is just a small illustration of the way Microsofts monopoly affects consumers. If there was a true marketplace with competition, Microsoft would have had to fix the problem long ago.

Unfortunately the proposed settlement does precious little to try to develop a competitive marketplace. It proposes to open Microsofts APIs, but the language is so weak as to make it useless in promoting competition. In fact, the only competition for Microsofts APIs, the open source WINE project, is excluded from the API disclosure in Section III.J.2 of the proposed final judgement, because the WINE project is not a business (all business competition having been extinguished long ago by Microsofts business practices).

The major reason people and businesses run Microsoft operating systems is because they need to run the applications that run on those systems. A successful reimplementation of Microsofts APIs, could go a long way to restoring competition in the marketplace. I hope that any final judgement in this case will restore competition.

I fear if this proposed settlement is made final it will cause irreparable harm to the U.S. consumer, to the U.S. software industry, and possibly to the country as a whole.

Sincerely,
Ian Kennedy
1900 S. Eads St., Apt. 512
Arlington, VA 22202

MTC–00024917

From: Gibbs.Ivan.J
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Microsoft Settlement

If Microsoft doesn't get punished for what they have done, you will hurt the American entraepreneurial spirit. I have degrees in Engineering Physics and Electrical Engineering. If I know that a big company can just squash my dreams, I lose motivation to innovate. No matter how much people may like to have one leading monopolistic company to provide everything, it hurts individuals. And this country is made up of individuals, not monopolistic companies.

MTC–00024918

From: Weathers, Norman R.
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in reference to the recent settlement talks between the US DOJ and Microsoft. I am saying on record that I strongly oppose the actions that are currently being taken by the DOJ against Microsoft because they are too lenient. My reasoning for this is as follows:

(1) Microsoft has been found guilty of harboring an illegal monopoly. They have been found guilty of destructive business practices, and because of this, they need to have a penalty that once again levels the playing field between the software producers. Opening up some API's to some companies does not allow for competition within the market, especially when a viable alternative to Microsoft is completely overlooked in the settlement, any Open Source Project. For example, a competitor to Microsoft's own network drive capabilities is the SAMBA project, yet, under the current settlement, no API's can or ever will be made available to them. This must be remedied.

(2) Microsoft has levereged parts of its foundations to further its monopolies. For instance, Windows is Microsoft's OS, and through its OS, levereged its own Office Suite to a monopoly of the desktop publishing/ word processing/ information market. Now, many individuals would love to be able to interchange information and data with other individuals who may or may not use a Microsoft Office component, but the sad truth is that the format has never been documented, and has changed with each release of the Office Suite. For example, during a recent job search, I was required to send my resume in Word 98 format. Not just Word, but specifically Word 98. I was fortunate to have a copy of Office 98 installed, but, why couldn't I have used an open format such as RTF, HTML, PDF, XML, etc, etc.... This is because the Office format is the central strangle hold that has held competition out of the market. Open the document formats to the public, and watch competition surge, and with it, better applications.

(3) Microsoft has further entrenched itself into other areas, and will soon become a monopoly due to its strong tactics and user base. For instance, Internet Explorer and Microsoft Network. Microsoft has for all intents and purposes ''won the browser wars'', or so it thought. They have created several enhancements to the original HTML code (as well as Netscape and some others), but now, due to the fact that Microsoft has a larger user base, they can now dictate ''standards'' that become very Microsoft centric. This can lead to web sites that don't just say ''Best when viewed by MSIE'', but web sites that say ''Can ONLY be viewed by MSIE''. This effectively can shut out a large group, such as Linux, BSD, Apple, Sun, that do not have easy access to IE (I know there are ports available for some of these OS's, but they tend to be troublesome, unstable, and useless). Now, you can dictate another standard that effectively kills off any competiting product because you create the standard. This can be disastourous.

(4) Microsoft continues to further move into markets that are no longer vertical. For instance, the new game console, the XBox. This is now an attempt to move into home game consoles, gaming networks, online gaming, and possibly 2 or 3 other markets. Now, if they move in and follow all the rules and procedures, than they can compete with Sony and Netscape, and create a thriving market. However, if Microsoft handles this market as they have others, by settling easy during this time, do we allow them to legally manuever into this new market and take it over as well?

I am beseaching any and all to please, read this, look back at Microsoft's history, its doings and non doings. Look at the litigations and court cases that have happened, that are pending, and that should have happened. B

y now, we have broken apart AT&T, and Standard Oil. While breakup may not be the answer (but then again, it may be), neither is this slap on the wrist that is basically allowing Microsoft to continue its practices. Remember, not only are they continuing them, but now, with the way we have settled with them, we are getting ready to say, ''It's OK, Microsoft. Go ahead and be a monopoly. You are doing nothing wrong.''

Let's not send that signal to this convicted illegal monopoly. Let's not take the short road to justice, and thereby ignore justice. Let's not end it for ''the country's sake''. Let's do the right thing and finally penalize Microsoft for doing what it has done for a long time, breaking the law. Further open API's including document formats and interfaces, open up parts/all of the OS source code, allow other non-profit organizations to be included within the scope of the judgement and ruling, and above all, let's do something to once again promote competition within the world of software development so that we can have a lower cost of software, higher quality, and a higher standard of living through that better software.

Thank you for your time in this matter.
Norman Weathers
System Administrator
Ponca City, OK
74604

MTC–00024919

From: Martin Runyan
To: Microsoft ATR
Date: 1/25/02 4:01pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my strong belief that the Microsoft antitrust matter must be brought to a close quickly and fairly. I believe the Justice Department has found a fair formula for the settlement. I am concerned however that the continued litigation by the states and by Microsoft's competitors is unwarranted and will only hurt our economy.

As a consumer, I feel that Microsoft's products are well designed and fairly priced. I also believe there is more than adequate competition in the emerging Internet services marketplace to ensure that Microsoft's future success will be based on the merit of their new products and not on their past dominance in the operating system arena.

There is no need for further litigation. The only segment of our economy to benefit from that will be the legal profession.

Sincerely,
Martin E. Runyan

MTC–00024920

From: EXKODAKER@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Department of Justice and Microsoft

Corporation settlement.
January 25, 2002
Department of Justice
Re: Antitrust settlement between the Department of Justice and Microsoft Corporation.
Dear Sirs:
I want to take the time to voice my personal opinion about the antitrust settlement agreement. I believe that the provisions of the agreement are tough, reasonable and fair to all parties, and go far beyond the findings of the Court of Appeals. I must also say that I did not agree with the lawsuit itself when it was first filed.
The Microsoft Corporation is the pioneer in our history of technology. They started with little more than ideas and have become a pillar of capitalism, as we know it in this world today. Don't sacrifice what our great nation has been built on.
I therefore urge the District Court to rule that the terms of the settlement are in the public's best interest.
Thank you for your consideration.
Sincerely,
Raymond Merritt
Tucson, Arizona

MTC–00024921

From: genep49@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:59pm
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,
Eugene Peplowski
P.O. Box 3071
Show Low, AZ 85902–3071

MTC–00024922

From: Chadbourne, Seth
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:01pm
I write to give you my opinion on the Microsoft settlement. First, let me tell you that I don't have a horse in this race. I don't own any securities of Microsoft or any of its competitors, nor do I do business directly with Microsoft or its competitors. In short, I have no monetary relationship in any way with Microsoft or any of it's competitors. What I do have, is seven years experience as an analyst and portfolio manager for one of the largest and most respected high yield bond asset management companies in the world.
As a patriot, and fierce defender of free markets and the American capitalist system, the entire Microsoft case sickened me from the outset. The genesis of this case was the vitriolic hatred the extreme left wing of the Democratic party has for successful U.S. companies. This was a political case brought by a politicized Justice Department. Now that the scoundrels that ruled the Clinton Justice Department have left their offices, the Bush Justice Department should allow justice to prevail by dropping the case entirely. While Microsoft may have used some aggressive business practices, they did nothing to flagrantly violate the US antitrust laws. Furthermore, U.S. businesses must be allowed a certain amount of leeway if they are to successfully compete in the global economy. Most intelligent professionals on Wall Street agree that even the settlement to which Microsoft agreed is unfair to Microsoft. Please do not punish Microsoft for being a successful American company, as the socialists would have you do.
CC:Hendon, Travis

MTC–00024923

From: Dirtbandit@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement
Karen Hoffman
27633 SE 400th Way
Enumclaw, WA 98022
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a reality.
Challengers and foes of Microsoft may pressure officials to delay this settlement in favor of continued litigation in this case. They are working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.
Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.
Sincerely,
Karen Hoffman

MTC–00024924

From: ncoley@vnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:59pm
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,
Norman Coley
266 Vance Dr NE Apt C
Concord, NC 28025–3369

MTC–00024925

From: Doug
To: Microsoft ATR
Date: 1/25/02 4:03pm
Subject: Make Microsoft give out code needed for compatiblity
Regarding the current settlement between Microsoft and the D.O.J. needs to be addressed. I do not know a great deal about it, but I read the Microsoft is NOT required to give software competitors the information needed for compatibility with their operating system.
Software programmers need specific information in order to ensure that their product will work on any Windows based PC. There are also many other issues that need to be addressed with the settlement. I am voicing my disagreement with the proposed settlement.
It gives Microsoft too many advantages.
Douglas Strick
Basehor, KS

MTC–00024926

From: novaman
To: Microsoft ATR
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement
I am so sick of these suits. They were garbage to begin with and the costs to the governments, investors, state pension funds, the economy and Microsoft have been enormous. For God's sake let it die.
The settlement is far better than Microsoft's opponents deserve. The whiners have won and the consumers and investors have lost.
Thomas P Noonan
—4600 S Four Mile Run Dr #219
—Arlington, VA 22204

MTC–00024927

From: Timothy—L—Bennington@RL.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 3:51pm
Subject: Comments
Move forward with the settlement and end the petty persecution of Bill Gates and

Microsoft for having the courage to set standards in the software industry. The sour grapes contention that Microsoft is damaging competition is simply a series of self interest whining promoted by weak unimaginative firms who would rather get even than ahead.

CC:barbbenn@exchange.

microsoft.com@inetgw

MTC–00024928

From: Dirtbandit@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:04pm
Subject: Microsoft Settlement
Randy Hoffman
27633 SE 400th Way
Enumclaw, WA 98022
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a reality.

Challengers and foes of Microsoft may pressure officials to delay this settlement in favor of continued litigation in this case. They are working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.

Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.

Sincerely,
Randy Hoffman

MTC–00024929

From: gkcook@alltel.net@inetgw
To: Microsoft ATR
Date: 1/25/02 4:00pm
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,
Gerald Cook
2840 Albert Reid R.
Sautee Nacoochee, GA 30571

MTC–00024930

From: Marshall, Cheshana
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00024931

From: John Torrence
To: Microsoft ATR
Date: 1/25/02 4:05pm
Subject: Microsoft Settlement
John A. Torrence
2906 Coolidge Drive
Bellingham, WA. 98225
January 25,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Re: Microsoft Settlement

Dear Mr. Ashcroft,

I am writing in response to the antitrust settlement between Microsoft and the Department of Justice. In my opinion, the settlement is more than fair, considering Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the original suit.

As I understand it, among dozens of other things, Microsoft has agreed to server interoperability, meaning that Microsoft gives its competitors the protocols implemented in Windows that are used to interoperate natively with any Microsoft server operating system. They also have agreed to submit to the authority of a three-person technical committee, which will monitor Microsoft's compliance with the settlement and assist with dispute resolution. It is obvious that Microsoft is willing to do what is necessary to bring closure to this matter. The Department of Justice should in return bring all further litigations to a halt.

Sincerely,
John Torrence

MTC–00024932

From: lorddrayke@draykestower.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:05pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this hoping that many others who have been in a similar position on Microsoft throughout the years will do the same. I am relatively new to the computer industry, having bought my first computer in 1995, and as thus have little to no input for the times preceding this.

I have always been a curious and technically intuitive person and computers proved to follow the same pattern for me. I quickly learned to upgrade and eventually build new computers from their various components. I was oblivious to a great many things early on..... and am still oblivious to many this very day. There is one thing, above most others, I am grateful for becoming aware of during the last 2 years, And that is the behavior of a particular company.... Microsoft. I have been frustrated at the lack of stability, security in their products for many years.... but still find myself having to use them... Simply because there is no viable alternative.... They have preached time and again about how their next Operating System will be stable, or secure but still each subsequent operating system had it's major stability issues and security breeches. But I'm losing my train of thought..... I recently (Nov-Dev 2001) read through the entire findings of fact in the Anti-trust Vs. Microsoft and was just absolutely astonished at the atrocious, and very harmful things they have done. I'm sure you have read through the findings of fact in the case so won't run through all the harm they have done Acting against those who either or indirectly went against their wishes. I am far from an expert on market dynamics and antitrust laws, but there is one thing which I know.

I know it just as I know my name, where I live, or my social security number. I know that the settlement in the antitrust case is not even close to nearing a punishment that will discourage further misdeeds. The establishment of the 3 person Technical Reviewer Board from what I have read has little to no power to actually enforce anything... And what most consider one of the more severe punishments.... The donation of 5 Billion in Computers and Software to the schools.... You know they are going to be donating Microsoft software whenever possible. Their Windows operating systems, MS Office products, and whatever else they can get in. So Let me get this straight..... their punishment is to expand their market share in an area that has traditionally been dominated by Apple? What kind of punishment is that? I can definitely understand why Apple is so distraught over the settlement.

The bottom line is that I feel Microsoft has been taking advantage of their monopoly position to overcharge the consumers for a very long time. Now they have been using it to maintain their dominance and the, ever so important, barrier to entry for any would be competitve technologies. The end result being for them to increase their market share in an area traditionally dominated by one of their only competitors as punishment...

I know I am only one person..... One consumer..... One citizen.....

But I for one am not pleased at this settlement.....

And I for one don't feel the best interests of the consumer were taken into consideration in this settlement.... Since this settlement will in no way hinder or discourage Microsoft from taking advantage of the consumers.

Thank you for your time,
Don Leger

MTC–00024933

From: serenity459@cs.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:02pm
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,
Kathryn Brophy
111 Wall St.
Kalamazoo, MI 49001

MTC–00024934

From: Howard Peterson
To: Microsoft ATR
Date: 1/25/02 4:14pm
Subject: MICROSOFT SETTLEMENT

IF THE U.S. GOVERNMENT SPENT AS MUCH MONEY PURSUING ''OSAMA BIN LADEN'' AS THEY HAVE IN ''HOUNDING BILL GATES AND MICROSOFT'', WE WOULD NOT HAVE HAD THE SEPTEMBER 11TH TRAGEDY.

HOWARD PETERSON
907 VANCE ST N
WILSON, NC 27893

MTC–00024935

From: wendy willson
To: Microsoft ATR
Date: 1/25/02 4:08pm
Subject: Microsoft Settlement

Dear Esteemed Justices;

I would like to voice my opinion that it is far beyond time to put a close to this matter and further litigation. The remedies to be imposed are fair and just, and pave the way for competition on a level playing field.

I beseech you to do your best to put an end to what has become an expensive (and now irrelevant, given the more open XP platform and other technological innovations recently) battle. I have confidence that Microsoft has learned its ''lesson'', and I hope you see the logic in closing this chapter for the sake of our economy, for I do believe, if a settlement is made, stockholders and retailers all over the country will sigh a sigh of relief that will resonate ''round the world. I think this single event would make more of a difference than any rate cut by Mr. Greenspan ever could.

Sincerely,
Wendy Willson

MTC–00024936

From: sgmbennett@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:03pm
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,
Robert Bennett
2400 Southlea Dr.
Dayton, OH 45459–3645

MTC–00024937

From: Michael Keating
To: Microsoft ATR
Date: 1/25/02 4:25pm
Subject: Microsoft Settlement

Microsoft is forcing users to use their second rate products. They are forcing open source programs and applications out of the way, by making sure they do not run on windows. Microsoft inserts code into their applications for the sole reason of stopping it from running on other Operating systems.

I am not going to bother with the technical and legal mumbo jumbo which I am sure that many other people have both complained about before, and I am sure that the lawyers have brought to your attention, that is of the unfairness of the Final Judgment in United States v. Microsoft. Microsoft is forcing the computer hardware industry into a wall. It is immpossible to buy a personal computer, either from Gateway, Dell, Compact, or Hewllet Packard, that does not contain Microsofts XP.

Microsoft XP is a horrible product. You are punished if you dont use it, because of lack of newer software on the other operating systems. They release products before they are ready, and then 2 years later release another one that fixes half of the problems.

More should be done to stop this company. They are downright EVIL and that is an understatement. They dont care about their consumer base, just about getting their money.

Please help the american people, by making their lives a little bit less hassled by eliminating their computer woes by taking this company and forcing them to actually ACT upon their mistakes to fix these problems in America's Time of Need.

Anyone that doesn't see how the Microsoft Trail makes a big impact on people's lives (and more so in the future when more products and PCs are a bigger part of our lives), doesn't really deserve to be called an American unless they are CONCERNED about how this hurts the American people, and they feel their pain but dont act upon it.

Thank you,
God Bless the US
The Keating Family

MTC–00024938

From: Harold Morgan
To: Microsoft ATR
Date: 1/25/02 3:44pm
Subject: Microsoft settlement

For Pete's sake, enough already. I believe it is time to end the Microsoft madness and drop these court findings that are damaging our economy. I suggest that the time will come in several decades when the public will look back on the Microsoft debacle as a time of governmental stupidity.

Further, the Gates team and his current software developers will be seen in the same light as Bell, Edison and other progressive inventors. I believe I would not have the wonderful and cheap computer software if it were not for

Bill Gates.

For Pete's sake just stop it.

Harold Bishop Morgan
hmorgan@evansville.net

MTC–00024939

From: Theo Gantos
To: Microsoft ATR
Date: 1/25/02 4:11pm
Subject: Microsoft needs to have checks and balances

Thanks for the opportunity to put these remarks on the record. I have written several articles on the issue of Microsoft in the IT industry and think that allowing them to operate as they have is a great impediment to the industry. Since the IT industry is dominated by the US, this also represents a threat to our GDP. Previous remedies are as insufficient as 2 man police car patrols were against street gang activity in Chicago. Only ''proactive'' checks and balances will protect our industry. These must that assume that this company will continue to do what it has in the past, abuse its monopoly power. Waiting several years and spending millions of dollars to bring them to trial over violations is like trying to lock the house after it has burnt to the ground.

The government established emissions and safety regulations when it became apparent that the auto industry was inherently unable to self-regulate. I think that Microsoft has the burden to prove that it can prevent future transgressions, which it cannot. I remember a computer industry dominated by IBM in the 1970's which was devoid of serious innovation.

Microsofts hold on the industry is even more pronounced and dangerous.

Here are the links to my publications about Microsoft. I'd like these entered into the record as well.

http://www.teka.com/publications/paper19971030.html

http://www.teka.com/publications/paper19971106.html

http://www.teka.com/publications/paper19980115.html

http://www.teka.com/publications/paper19980304.html

Regards,
Theo Gantos
theo@teka.com
TEKA
1321
Ashland Ave
Evanston, IL 60201–4039

Ph: (847) 864–7390
http://www.teka.com
CC:David M. Deaver,Wendy Crespo work

MTC–00024940

From: j. wesimeyer
To: Microsoft ATR
Date: 1/25/02 4:11pm
Subject: Microsoft Settlement

Dear Madam/Sir: (Jan 25, 2002)

As part of DOJs (and the States) suit against Microsoft, I propose the following as part of the settlement:

1. That Microsoft be handed a court order to change their official company name from: Microsoft—to —- THE BUG FACTORY—. And if it should happen that said name is already in use by some well-meaning firm, then just modify same to: THE SOFTWARE BUG FACTORY, or anything so similar. Dont need to be too particular, eh?

2. The courts should also order Microsoft to change their official company logo to that of a spider, mosquito, cockroach, or whatever creepy-crawling critter the justices think most appropriate. Just so it presents the unsuspecting consumer with a general idea that the product inside is BUG INFESTED...

Ladies and gentlemen, what is wrong with this idea? Stevie Balmer, King Willhelms (aka Gates) number one mouthpiece, admitted in the summer of 2000, that Windows 98 had 25,000 known bugs (that is, known to Microsoft). What? Oh sure, Mr. Balmer was speaking at the festivities kicking off the launch of Windows 2000, at that fancy-dan hotel there in San Francisco. Yes, here we have the highest officials of Microsoft admitting before a packed audience, that they know, they admit, that Win 98 had no less than TWENTY FIVE THOUSAND KNOWN DEFICIENCIES, and they got away with that. Consumers had to accept this level of garbage.

Please include the above suggestions in your settlement decree. I would not mind purchasing King Wilhelms next OS, if it was packed inside a box with little bugs printed all round the carton. It would be a form of embarrassment that MS soundly deserves.

Thank you
J.Wiesenmeyer
417–284–3951
veteran
taxpayer
voter
homeowner
law-abiding citizen

MTC–00024941

From: Ted Roby
To: Microsoft ATR
Date: 1/25/02 4:12pm
Subject: Microsoft Settlement

In regards to the proposed settlement for the Microsoft Antitrust Trial, to be submitted by January 28th, 2002:

In reviewing the details of the proposed settlement, I find many loopholes and variations in it's definition. I would like to express simply, and clearly what makes sense to me in regards to the operation of Microsoft.

First, definitions of both Windows OS and Middleware should not be so limited. Microsoft, like any other forward moving business will within the year have new services and applications available that will not be covered by these definitions. To put it plainly, I offer the following statements:

1. Any developer should be able to write software that will run on Microsoft Operating System platforms, in use now or in the future.

2. Any developer should be able to create their own OS that would allow Microsoft and Windows-based applications to run on their OS.

3. Microsoft should not be able to in any way, coerce or use leverage over any computer hardware manufacturer to prevent them from developing for non-Microsoft developers and companies.

In my opinion, this would create an environment where Microsoft's applications and operating systems would stand on their own merit. There is no reason for Microsoft to release any of it's source code if it does not wish to. So long as source code and tools are made available for the use of creating applications that can run on Microsoft operating systems, and operating systems that can run Microsoft applications.

Any punishment taken against Microsoft should be with respect to keeping Microsoft from bullying any developer, service provider, or manufacturer who wishes to use something besides Microsoft products.

Under normal circumstances I would agree with letting a company reward those who use it's products, but since Microsoft has already gained it's monopoly, and has been found to hold far more power than should be allowed, I believe no such benefits shoud be given.

Microsoft needs to let it's applications and services stand on their own merit for a while. It should be encouraged to focus it's efforts on making a product that stands out on it's own without the bullying and coercion that Microsoft has been famous for.

Ted Roby
Systems Engineer
SRA NetWorks
1787 Lencar Way
San Jose, CA 95124
http://www.sranetworks.com
Office: (408)436–6048
Pager: (800)710–5228

MTC–00024942

From: Ruth Millward
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 4:07pm
Subject: Microsoft Settlement
Ruth Millward
9716 Bighorn
Pocatello, ID 83204
January 25, 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,
Ruth Millward

MTC–00024943

From: Eileen T Bender
To: Microsoft ATR
Date: 1/25/02 4:12pm
Subject: To whom it may concern:

To whom it may concern:

While I am aware and appreciative of the contributions, both technological and philanthropical, of Microsoft and the Gates Foundation, I am concerned that the proposed settlement with this company will do nothing to curtail its monopolistic and exclusionary business practices—practices which seem to fly in the face of their social and ethical commitments. The ethos of exclusion is built in to every product they sell, in effect thwarting the entrepreneurial and creative energies of a free market. This lesson was brought home to me forcibly over the holidays, when I received a gift of a new computer equipped with ab NS XP platform. THe MS software is not only a dominant presence on the desktop, but must be overridden in many cases in order to install the non-MS software which I find necessary to do my work. Sad to say, it is what I as a consumer have come to expect of Microsoft, and I see nothing in the proposed settlement that would restore a consumer's right to choose. Thus, I must boice my disappointment of the proposed settlement, and my hope that it will not be made final until these egregious practices have been curtailed.

Eileen T. Bender
Department of English
Indiana University South Bend
1700 Mishawaka yAve. Box 7111
South Bend, IN 46634
ebender@iusb.edu
574–237–4221

MTC–00024944

From: Jeanne Sarfaty Glazer
To: Microsoft ATR
Date: 1/25/02 4:06pm
Subject: Microsoft Settlement

Just a quick note to let you know I think the proposaed Microsoft settlement is a BAD IDEA!

Sincerely,
Jeanne Sarfaty Glazer Silver Spring, MD

MTC–00024945

From: gail austin
To: Microsoft ATR

Date: 1/25/02 4:15pm
Subject: Microsoft Settlement

I belive the settlement that has been worked out is fair. And now you need to go look at some body like ENRON how realy needed looking at.

MTC–00024946

From: Jeff Knapp
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi, I just wanted to voice my personal opinion on the Microsoft Settlement. First off, I am a Macintosh user only. I do not use Microsoft Windows or Intel based hardware. This is as much a philosophical and ethical stance as much as it is also a practical one. The ethical stance is simply one of being very opposed to Microsoft's predatory and unethical business practices. Their whole stance is one of conquer and destroy the competition.

The practical reasons are primarily rooted in that Macintosh systems and OS are simply superior products that are more ideally suited for my kind of work (animation and visual effects for video).

Over the years, MS has engaged in finding ways to buy out or quash out any competition including attempts at stamping out Apple Computer (though, not before stealing ideas and innovations Apple comes up with). They did so with Netscape by choking off an important source of revenue to Netscape by giving away for free what Netscape had been charging for—the web browser.

Another tactic Microsoft is currently, actively engaging in now to choke off competition is to build their OS in such a way that it is almost impossible to create competing products for ''features'' built into Windows. Windows XP has a set of built-in media handlers such as video players (Windows Media Player), music and web browsing. MS has written Windows XP in such a way that it is very difficult for a user to get any competing products such as RealMedia and Apple's QuickTime running well. The same goes with web browsers, Netscape and Opera both are cumbersome to get to run adequately in Windows XP. If you want to play an MP3 file, Microsoft has made it nearly impossible to do so in order to quell the MP3 format as competition to it's own music streaming initiative.

On the internet, Microsoft is making many attempts to impose standards and technologies that run only on the Windows platform. A very good example of this is NBC. Any MSNBC, NBC network or NBC affiliate web site that has any sort of streaming media content will not play on the Macintosh platform even though there is no technical reason for such a limitation, Windows Media Player does work on the Mac after all—and that is what is being used on these web sites. It is apparently, strictly a marketing decision to limit the streaming media to Windows only.

My fear is that unless there is a real resolution that has real teeth In it that Microsoft cannot slither its way around, their conduct will continue to be unchecked, they will continue to do business as they always have. I fear an internet that is closed off to everybody who isn't using Windows. I fear any other platform being forced to either conform to Microsoft or be put out of business.

Right now, Microsoft has far too much power and control over the computing environment. I find myself having to dig through the morass of Windows only products and services in search of the few Macintosh products out there. Go into any major computer retailer and it is all Windows. The Macintosh retailers are few and far between. Many of the services out on the internet are Windows only primarily because the developer has chosen to use a Microsoft development product that, of course, only supports Windows users. These developers make these choices often out of fear of Microsoft.

No one entity should ever have so much control that they can dictate the market thus, dictate our range of choices. As it is right now, it is getting very close to the point where it is Microsoft's way or no way. This is ethically and morally wrong.

During the whole Anti-trust trial against Microsoft and the very strong judgment against them, I had counted on the Justice Department to do its job and put a stop to Microsoft's predatory and illegal business practices. Then Bush got elected and I knew all of that was over. Microsoft will, at best, get a light slap on the wrist in the form of some consent decree that was so full of loop holes that they would be able to just move on unimpeded.

The so-called proposal Microsoft has put forward is not only the very piece of swiss cheese I feared but, actually has the audacity to include a mechanism that actually increases their stronghold on the computing world by making schools dependent on Microsoft products and services. It's the old marketing strategy of giving away the razor handle for free and making all the money on the blades.

I implore my government to do its job and put a stop—for real—to Microsoft's predatory and opportunistic business practices and to re-level the playing field so real competition can once again exist in the computer platform market.

Thank you for your time,
Jeffrey J. Knapp
jkdigital@jkdigital.com
Www.jkdigital.com

MTC–00024947

From: Stan Liebowitz
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

I would like to state that I believe the current proposed remedy is reasonable in that it prevents Microsoft from using exclusionary contracts while not harming consumers by fragmenting a market that they prefer to remain intact, as did some other proposed remedies including that of Judge Jackson. Nor does the current remedy reward Microsoft's competitors by hobbling Microsoft's pro-competitive behavior, as other proposed remedies would do.

Although Microsoft may have stepped over the bounds with its contracts, those contracts had little to do with its success, or more importantly, with the failure of its competitors, including Netscape. As my co-author, Stephen Margolis, and myself demonstrate at length in our book: ''Winners, Losers & Microsoft'' Internet Explorer was a better browser (Microsoft's economist witness misspoke on this issue when he stated that there was little difference between the two-our work was more thorough than his) and as we also demonstrated, large shifts in market share routinely occurred when a new product was acknowledged to be of higher quality, whether it was Microsoft's or someone else's.

Additionally, Microsoft's overall market behavior has been beneficial to consumers. Microsoft is largely responsible for the large decrease in software prices that occurred throughout the 1990s, and is also demonstrated in our book. For an examination of software markets that went well beyond the scope of the trial, in order to see the forest through the trees, I suggest that you read our book. Lest you think that we are merely apologists for Microsoft, I note that we have been propounding the ideas put forward in the book for over a decade in leading academic journals, well before the Microsoft case arose or could even be imagined.

Since Microsoft's illegal behavior had little to do with its success, the remedy should be to prevent that behavior but not to reward its competitors who failed to succeed in the marketplace due to their own missteps. The current remedy does just that. It would be wrong to punish Microsoft merely because Microsoft's competitors wished to weaken competition in the market, as they clearly do. Why else would companies like Sun, which does not have any products in the Windows universe, be so intent on a more ''punishing'' remedy. Sun has no interest in seeing the Windows/Intel market do well, or for more vibrant competition to occur in that market. It merely wants less competition in the market for workstations and servers, a market that did not play a role in the case since Microsoft is not the dominant player there. Antitrust should not be allowed to be the handmaiden of attempts to subvert competition.

Stan Liebowitz
Professor of Managerial Economics
University of Texas at Dallas
972–883–2807, fax 972–883–2818

MTC–00024948

From: Kevin Ahern
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi:

I'm writing to indicate my displeasure with the proposed Microsoft settlement. It will allow the Microsoft monopoly to not only continue, but to flourish. The Department of Justice needs to rethink its policy and put real teeth in the settlement—not what has been done to date.

Kevin Ahern
Dr. Kevin Ahern, Contributing Editor, Science Magazine
Senior Instructor
Department of Biochemistry & Biophysics

Oregon State University
Corvallis, OR 97331
Voice—541–737–2305
***Note New Email—
ahernk@onid.orst.edu
Web—http://www.davincipress.com

MTC–00024949

From: Doreen Stokes
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:17pm
Subject: Microsoft Settlement
CC: ''tormist(a)ag.state.ia.us''
January 25, 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 hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates'' company does nothing to rectify past sins by this company or protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions are insignificant. I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. I ask that you continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Doreen Stokes
3609 Wolcott Avenue
Des Moines, Iowa 50321
CC: Iowa Attorney General
US Dept of Justice
microsoft.atr@usdoj.gov
Iowa Attorney General Tom Miller
tormist@ag.state.ia.us
Barb Hildebrandt
benandbarb@qwest.net

MTC–00024950

From: Joseph Ingraffia
To: Microsoft ATR,Microsoft's Freedom To Innovate Netw...
Date: 1/25/02 4:17pm
Subject: Microsoft letter to Attorney General John Ashcroft

Microsoft can only harm themselves by not innovating and overcharging customers.

MTC–00024951

From: GWhit79564@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:18pm
Subject: Microsoft Settlement

Gentlemen:

It is my humble opinion that the terms of the settlement are fair and reasonable to all parties, and exceed the ruling of the Court of Appeals. It is important to our economy that this matter be settled promptly and the industry and Microsoft to move forward.

Sincerely,
George Whitbeck

MTC–00024952

From: Nathaniel Pendleton
To: Microsoft ATR
Date: 1/25/02 4:19pm
Subject: Microsoft Settlement

I must agree with the finding of fact from US v. Microsoft 2001, and Messers Litan, Noll and Nordhaus, http://www.antitrustinstitute.org/recent/162.pdf that Microsoft has violated Section 2 of the Sherman antitrust act, to illegally crush, and will continue to illegally crush, commercial competitors.

Microsoft anti-competitive activity damages the pace of growth, by closing and poisoning standards, to maximize Microsoft's return. Even poising previous Microsoft product standards with incompatibility forces many consumers to upgrade or loose access to a large install base of current users/applications.

Microsoft is very effective at bridling growth of choice with its install base.

Ironically, Open Standards fueled the growth of the internet and information age by creating larger install base for network economies, quietly handling email, and webpages across the net. We must return to, or in some cases reinforce, Open Standards, to fuel choice and price wars.

Microsoft's one way street for importing open standard data, but rarely providing adequate export formats other than proprietary save formats, is preventing users from having alternative choices. Even upgrade of Microsoft products is complicated by incompatible closed and obscure file formats from previous versions of Microsoft products.

But Microsoft's denial of OS and office tools choice, further perpetuates network economy dominance/install base, spurring yet more opportunity for Microsoft to maintain its control of core technologies and add outlying technologies, avoiding price wars, with competitors through tying ensuring license fees, and furthering its control and its dominant role.

Open Standards could again fuel growth by distributing opportunity and control with OS development, application development, and portable data formats. This is not a new trend.

Take for example, TV footage from the 1968 and 1972 Presidential Campaigns, which was closed format and hardware. Most of footage is inaccessible or gone, lost from the historical record, due to technological change.

But in Microsoft's case, we are not loosing access via obscure hardware, because open hardware standards have created compatibility and affordability. We are loosing data access due to arbitrary format changes each software generation by Microsoft.

Computer data can and should be like my boxes of college text books, that I still open and read from for references or pleasure. But Microsoft's closed or poisoned standards will block access to our nations historical record.

Much like NPR's ''Lost and Found Sound'' only highly paid experts will be able to access historical information by carefully maintained old hardware and old software, will we be able to open obscure Microsoft's data formats such as MS Word's data buffer dump called ''quick saves.''

This is a yet higher invisible price to pay for Microsoft dominance. Breaking up Microsoft would force a rebirth of Open Standards and spurring real growth and competition in the proposed Baby-Microsoft's, Linux/GNU, MacOS, PalmOS, and even Java.

Open Standards built the internet. Fueling explosive growth in sharing of information and services. Let open standards out of the corner that Microsoft is trying to push them.

Let portable middleware, APIs and exchange formats flourish, and truly see the fabled convergence that we promised actually come rushing in.

Reject the settlement for one with real teeth, break up the company. Separate Windows OS from applications such as Office and Internet Explorer.

Nathaniel Pendleton
5012 45th St. NW
Washington DC 20016

MTC–00024953

From: James Duncan
To: Microsoft ATR
Date: 1/25/02 4:20pm
Subject: Microsoft Settlement
RE: Microsoft Anti-Trust Settlement

Microsoft has been and is out of control. Their plans for the next few years, including the .NET initiative, blatantly leverage their ongoing monopoly status.

I'm voting with my feet.: I'm a contract systems administrator who has used mostly Microsoft applications and operating systems since that's what most businesses are in effect forced to use. I've grown concerned with Microsoft's attitude and policy initiatives. My New Year's resolution was to absolutely reduce my dependence and that of my clients on Microsoft products. Such migrations can be extremely difficult since most overall development has had to be focused on Microsoft compatible applications.

I urge more careful consideration of all Microsoft settlements.

Thank you,
James Duncan
drdunc@earthlink.net
Scotts Valley, CA 95066

MTC–00024954

From: Helchie Charles
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject:

After the horrible attacks of September 11th I believe that this country needs to start

uniting and supporting American based companies. We need to return honor to this nation not litigation. Our success is necessary on all fronts especially technology.

Hopefully, the court and the DOJ will back Microsoft in settling this political case once and for all. It would be nice to see the competitors all unite to start working on great technology instead of trying to create legal smoke screens to fog great visions for our future. Long live the American freedom to work hard and succeed not hire a lawyer. Please settle this mess and let Microsoft get on with it.

Thank you for your time.

Helen Charles

MTC–00024955

From: Karen Thompson
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft Settlement
Karen Thompson
2520 Oakes Avenue
Anacortes, WA 98221
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing you today to voice my opinion on Microsoft. I am a Microsoft supporter, and I support the settlement that was reached in November. This settlement is fair, and I am anxious to see this three-year-long dispute resolved. There are bigger fish to fry at the present time.

The settlement that was reached in November is sufficient to deal with the issues of this lawsuit. Microsoft has agreed to carry out all provisions in this agreement. Under this agreement, Microsoft must grant computer makers the right to configure Windows in promote non-Microsoft software programs that compete with programs included within Windows. Microsoft also agreed to license its Windows operating system to the 20 major computer makers for an identical price. This settlement will benefit the entire technology industry.

I urge you to support this settlement. This settlement will serve in the best public interest. Thank you for your support.

Sincerely,

Karen Thompson

MTC–00024956

From: Gary L. Vandenberg
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft settlement

To Whom It Concerns,

Please finish the Microsoft settlement as it has been proposed. Microsoft is one of America's competitive assets in the world economy. It needs to be able to focus on business without more delays and legal proceedings.

Thank you.

Gary L. Vandenberg
Real Estate Solutions/1031 INC
1031 Lake Drive, SE
Grand Rapids, MI 49506
Ph 616–774–1031

MTC–00024957

From: Marlene Morley
To: Microsoft ATR
Date: 1/25/02 4:15pm
Subject: Microsoft Settlement

This Email is to let you know that I agree with the statements made regarding the proposed Microsoft settlement at http://www.kegel.com/remedy/letter.html as well as the content on http://www.kegel.com/remedy/ —

Marlene Morley
Linux Administrator
Hypernet Communications
Website: http://www.hyperusa.com/
Email: marlenem@hyperusa.com
hyperusa.com

MTC–00024959

From: ccarlsen1@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft settlement
2903 116th Avenue, NE
Lake Stevens, Washington 98258
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to start off by saying that I am not a strong supporter of Microsoft. I don't really have any stong ties to them, but I don't agree with the antitrust suit against them. The settlement that was made between Microsoft and the Department of Justice is more than fair, and it is time this matter was over with. Millions of state and federal dollars have been wasted on this suit. The United States is based upon a free enterprise system; while we may not always agree with the tactics employed by big business, our interference in business undermines the very foundation this nation has been built upon.

Microsoft has agreed to terms that will enable other companies to compete. They have to license the internal codes of Windows to the top twenty companies so they can produce software that is compatible with Windows.

Because of the competition that will arise from this settlement a wider variety of products will emerge. So now, not only will the consumer have a better product, but the prices will be more reasonable. Also, Microsoft will be forced to produce a better product in order to stay competitive.

I would like to reiterate that I am not writing this letter because the issue is personal to me. I am not a huge stockholder and I know no one who works for Microsoft. I do know what is right though, and ending this ridiculous suit against Microsoft is the right thing to do. Thank-you.

Sincerely,

Carl Carlsen

MTC–00024960

From: Calia, Maryann
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:23pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January25,2002
RE: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

The case of United States v. Microsoft has been a challenge and an opportunity for both the high tech industry and the American consumer. New and innovative solutions for resolving such a dispute were paramount in coming to a settlement. The continuation of sanctions on Microsoft to foster greater competition in the software industry, as well as allowing Microsoft to remain a viable company has resulted in a benefit for the consumer as well as for the industry. Protecting the consumer and encouraging the creation of new and effective products is always essential in a healthy free economy.

The settlement that the United States has negotiated with Microsoft is in our nation's best interest. It comes at a critical time in our economic recovery when our nation needs more reconciliation than confrontation. I am encouraged by the action of the Department of Justice and support the efforts to settle this case.

Very truly yours,

SALVATORE F. DIMASI
Majority Leader
Massachusetts House of Representatives

MTC–00024961

From: Myroslaw Ryndyk
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft Settlement
Your Honor:
Myroslaw Ryndyk
250 Velarde Street
Mountain View, CA 94041

As a citizen of this country, a customer and user of high tech products and as a career member of the high tech industry(over 30 years as a software engineer), I want to register my concern about the Proposed Final Judgement(PFJ) in the Microsoft case.

This case has been tried at the Federal District Court level and reviewed at Federal District Court of Appeals. It has been stated by the Appeals Court that Microsoft had aggressively and repeatedly violated United States antitrust laws. Further, the Appeals Court has stated that any settlement between the Government and Microsoft must protect members of the technology industry and the general public by ensuring that any such settlement contain the following three elements: (1) it must terminate Microsoft's illegal monopoly, (2) it must deny to Microsoft the fruits of its past violations and (3) it must prevent any future anticompetitive activity.

From what I have been reading in the press and other sources, it appears that the PFJ falls woefully short on providing those protections:

1. It does not end Microsoft's monopoly and even allows Microsoft to expand its monopoly into other technology markets.

2. It does not adequately address anticompetitive behavior identified by the Appeals Court.

3. It incorporates such large loopholes to its enforcement provisions as to render enforcement meaningless.

4. It does not provide an effective enforcement mechanism for the weak restrictions it does implement.

5. It does not deny to Microsoft the fruits of its past statutory violations. I have watched Microsoft use its predatory monopolistic position to stifle any new product development by potential competitors that might challenge its preeminent position. That activity deprived me, and thousands, if not millions, of other potential users of access to new and innovative products and forced us to, either do without those products, or to rely on less adequate Microsoft substitutes.

It was my fervent hope that the antitrust action by the Department of Justice(DOJ) would reel in this predatory behemoth. The PFJ does NOT meet the standards enumerated by the Appeals Court. I strongly, and respectfully, ask that the Court rule against the PFJ, and, since it's unlikely that further negotiations between the DOJ and Microsoft will produce an agreement that provides the type of protection that the Appeals Court stipulated, I respectfully suggest that Court render a decision based on the trial evidence and the decisions of both the original Federal District Court and the Court of Appeals.

Thank you.

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00024962

From: Marc Tramonte
To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: Microsoft Settlement

Microsoft has worked for 25 years to secure a strong but hardly invulnerable position in the computer industry. As long as Apple, Linux, Solaris X86, FreeBSD, dedicated computing devices, and other options exist—by free choice and to anyone as it is today—the very notion of ''monopoly'' here is fundamentally flawed.

Even if we accept the spectacularly narrow market definition crafted for this case, and accept that Microsoft dominates it, the range of substitute platforms and products and the lightning-fast pace of change in the industry render it meaningless. Windows is a proprietary product, by one company, that took 10 years of hard work to perfect—not an essential service or raw material of finite supply that can be monopolized.

The subtext of the entire case seemed to be ''new entrants deserve to win.'' I disagree. Let them work for 25 years and suffer the slings and arrows if need be, and accomplish their own success the old-fashioned way: Please millions of customers. Fight for it. Earn it. Like Microsoft did. It's hard, but there is precedent.

With all that said, the settlement is a fair compromise given the harsh realities of the situation, and I fully support its acceptance. I hope the judge does okay it and finally puts this case to rest.

MTC–00024963

From: Beth Epperson
To: Microsoft ATR
Date: 1/25/02 4:23pm
Subject: Microsoft

Hello,

As you can see from my email address, I work for Netscape. Even though I am a Netscape employee, I believe that I have an open and objective attitude about fair business practices, ethical conduct and the need to move ones business into new directions.

When the web began to excel and expand beyond government and academia, I do not believe anyone had the vision that it would be as widespread as it has become. The web has provided more exposure and access to so many people around the world, it has indeed been one of the most influential tools of the century. From a business perspective, the exposure is overwhelming, you can reach literally thousands of households with minimal expense. It has truly changed the way we do business.

The most difficult aspect of the web is how to generate revenue. Looking at the culture of business on the web, it is in direct opposition to how we have traditionally done business. In the past, if you wanted or needed a service, you paid for it. The service provider set the price and you were at their mercy. Advertisement was not a true revenue generator, companies spent thousands of dollars per year in getting their brand out to the public. Instead, advertisement was an evil necessity, necessary to the survival of any company. Today, on the web, services are for free, software is free, and many other services that were traditionally revenue generators. Advertisement is a revenue generator, however, advertisements are not for your company, but for other companies on your web site, that is a very dramatic change. Could you imagine 25–30 years ago, getting a brochure in the mail from company XYZ, only to see advertisements in that brochure for companies ABC and DEF? That would just not have happened.

I think in the beginning, Microsoft didn't see the advantages of this new web thing. I think they saw it, analyzed it and walked away. Then the web began to evolve. Numerous companies sprang up based solely on the activities and services—browsing, email, data exchange, etc. AOL, Compuserve, Netscape are just a few of the companies that began to grow and expand. I think that is about the time Microsoft figured out that there was money to be had, but didn't quite know how to get that to happen. The traditional business methodology was not there. Advertising was different, software applications were different, the audience was different, just about everything was different. Netscape at that time had a firm hold on the browser market, and that was our sole source of revenue—the browser, the web server software and advertisement revenue on our site. Microsoft threw hundreds of people into building a browser that would compete—not necessarily to promote competition, but rather to keep people in their market place. But, Netscape continued to dominate the market. At that point in time is where I think Microsoft pursued the path of poor business ethics, they lowered themselves to a level of dirty deeds and actions. If they could not gain market share by creating a superior product, then they would do whatever they had to to run Netscape out of business. And with that task in hand, they did an excellent job.

What I really don't understand, is how do the people who made that conscious decision sleep at night. To lower oneself to perform in such a manner is beyond my comprehension. Should Microsoft be sanctioned for their business practices, yes I believe they should. Would I fine them, no. Would I make them remove applications from their desktop, no. Would I force them to provide alternative software in their bundles, no. What I would do, however, is force them to make their operating system open, accessible and free. Allow all software companies access to the operating system, allowing for greater flexibility and freedom for all users of windows. This would allow companies such as Dell, Compac, Apple to provide software bundles of varying content. It would allow companies such as Netscape to finely integrate with the operating system. This would prevent Microsoft from hiding worms and performance bugs into their operating system that is only triggered via non-Microsoft products. This would allow users to pick and modify the desired software found on each persons desktop. Let the operating system be open and let the specific application software be revenue driven.

Thank you for letting me air my concerns.

Regards,

Beth Epperson

MTC–00024964

From: Anne DeBlois
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi,

I am glad that the DOJ and Microsoft reached an out-of-court settlement. However, as a consumer, I would like you to know that I have never ever approved of such an antitrust trial against Microsoft from the very beginning. Netscape's failure was somehow my own fault, as I did elect to give it up and install Internet Explorer on my own computer. I wish there had been no trial at all, actually. I feel that nobody ever listened to me. Rivals talked, antitrust experts talked, lawyers talked, but what about consumers? What about me? What about MY own choice of software? What about my desire for an unedited Windows XP, because I love it like it is? What about those who won't even think of buying a version of Windows that doesn't include all the stuff they want (Media Player, Internet Explorer and so forth)?

I never felt harmed in any way by Microsoft. On the contrary, I could learn to use a computer very easily thanks to Windows 95. Because of my interest in computers, I then chose to make it a profession, and I found absolutely nothing wrong in Microsoft software, otherwise I would not be using anything from Microsoft today.

I still believe that Microsoft is innocent, and I don't want any ruling to hurt the company, as it would also hurt hundreds of businesses that rely on Microsoft's great technology, it would also cause even more job layoffs in the high-tech field.

I still believe that the marketplace and consumer choice, not Microsoft, sank Netscape and other companies, and I still believe Microsoft has nothing to do with some rivals'' failure. For instance, while the trial was underway, I could download a few updates of Microsoft Internet Explorer, but Netscape Navigator, although it was acquired by AOL, did not improve as well as I wanted it to. THAT is why I gave up Navigator. I don't want Microsoft to pay for Navigator's lack of features.

Please don't forget us consumers! Please keep in mind that we might be hurt by anything you may want to impose on Microsoft. It is not only a matter of triple damages or something, it is a matter of consumer choice and public interest. I don't want corporate greed to win over software quality. I don't want companies like AOL and Sun to be paid millions of dollars while the high-tech industry suffers from that cash flow. Please let Microsoft alone, they are one of your best corporate citizens, no courtroom must kill America's best.

Best regards,
Anne DeBlois, from Canada
CC:kimpoy@microsoft.com@inetgw

MTC–00024965

From: Gwwolter@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: opposing the proposed Microsoft settlement

I would like to express my disapproval of the proposed settlement of the Microsoft antitrust suit.

As I see it, Microsoft was found guilty of using its monopoly of the desktop to create a near monopoly of the browser. This was done in spite of the earlier consent agreement where Microsoft agreed to end ''tying'' other products to the desktop. Microsofts actions have shown that it is not trustworthy.

The proposed settlement essentially has Microsoft agreeing not to repeat their illeagal behavior, not to use their desktop monopoly to leverage browsers. This is closing the door after the horse has escaped. Micorsoft has won the browser war by their illegal activities. Microsoft is now turning its attention to the internet through the .NET venture and to entertainment through its Windows Media Player venture. In both of these Microsoft appears to be using its Monopoly on the desktop to impost a standard on the industry. History has shown that a Microsoft de facto standard soon morphs into a Microsoft only standard. The Monopoly extends. The proposed settlement does require Microsoft to share some of their programers interfaces, or API's. However, the ''sharing'' is done strictly under Microsofts terms. A better solution is for Microsoft to be required to publish, in open literature, these APIs without use restrictions and agree not to change them before giving ample notice to competitors. The proposed settlement also ignores Microsofts other monopoly, the Office applications (Word, Excel, Powerpoint, Access). Microsoft uses the office upgrade cycle to lock out competition by changing file specifications each upgrade. This prevents competing products from being compatible with Office. Any settlement that intends to prevent future exploitation of Microsofts monopoly needs to address this. At a minimum, Microsoft should be required to do with Office what they are required to do with Windows, release the programers interfaces. Better would be to require that Microsoft publish the API's and file specifications in the open literature so that competitors can create innovative but compatible products.

I urge the government and the court to reject the proposed settlement and rejoin negotiation with Microsoft and the states involved in the suit to propose a meaningful consequence to Microsofts illegal activities.

George Wolter
565 Gibbs St.
Whitehall, MI 49461

MTC–00024966

From: nanikin
To: Microsoft ATR
Date: 1/25/02 4:32pm
Subject: Microsoft Settlement

Greetings:

The proposed settlement, if allowed to stand, will give Microsoft unprecedented access to the minds and pocketbooks of our children for decades to come. Do NOT allow this multi-headed snake of a corporation to slither its way out of a just and fair outcome, by letting it ''contribute'' Microsoft products and services to educational institutions. Any in-kind settlement MUST include free choice of software platforms, or even a mandated mix of non-Microsoft products, by the intended beneficiaries.

It's bad enough that some of the most interesting sites on the Internet are rapidly becoming inaccessible unless you are using MSIE. I've maintained a Microsoft-free home for many years and intend to keep it that way as long as I possibly can.

Thank you.
Nancy Hoffarth

MTC–00024967

From: John Dowd
To: Microsoft ATR
Date: 1/25/02 4:27pm
Subject: Microsoft Settlement

Dear Sirs:

Below is an article excerpted from the ZDNet News a magazine that has been continually anti-MSFT in its editorial bias. Even they see the frivolousness and pointlessness of AOL's latest foray into this matter. This suit is not about consumers as their has been no harm to consumers demonstrated rather there is only the speculation of possible future harm. If that is the rule to which a company is to be held who would stand up under this benchmark? This whole thing is an effort on the part of MSFT's competitors to win in the halls of government what they couldn't win in the market place. They want to use the government to enrich themselves without bringing better products to the market place. It is really disgusting to find my government not being smart enough to see that it is being manipulated by losers.

Sincerely,
John F. Dowd

Commentary
Advice to AOL: Sit down, shut up
By David Coursey
AnchorDesk
January 24, 2002, 5:20 AM PT

COMMENTARY—AOL Time Warner's decision to sue Microsoft—essentially repeating the federal antitrust case all over again—is hardly surprising. Yet I had hoped that instead of wallowing in the past, Chairman Steve Case and his East Coasters would realize that Netscape lost the browser war because it deserved to lose. And Netscape has continued losing, because AOL Time Warner hasn't done very much to make it a winner—perhaps in a cynical attempt to maintain a cause of action against Microsoft.

Did Microsoft play hardball with Netscape? Of course it did. Did Microsoft go over the line of legality in certain business practices? That's what a federal court has ruled, and the Justice Department has agreed to settle. Is that settlement enough? I don't think so and have already called for stiffer sanctions. But should AOL Time Warner sit down and shut up? Damn straight.

THE NEW LAWSUIT seems to have been filed for the valid reason that the proposed settlement doesn't go far enough. But another decade of legal battles—kept alive by East Coast corporate types dueling people from Washington state—won't improve the situation. AOL Time Warner should push for a better settlement, but opting for endless court actions to settle issues long in the past doesn't seem right.

Indeed, Netscape should have sued years ago, and its case—like the federal one—should be winding its way down rather than just getting started.

I am sure it must be galling for Steve Case and whatever part of Netscape's soul that survived assimilation into AOL (and again into Time Warner) to see Microsoft enjoying a resurgence.

BUT THE FACT REMAINS that since AOL has owned Netscape, it has used its own mighty resources—more subscribers than Microsoft's MSN—and its ability to swing deals with hardware OEMs to very little effect.

Netscape went off into its ill-advised Mozilla open-source effort and has released new versions of its browser that failed to ignite the market. As I remember, the Netscape 6 reviews pretty much said that Microsoft had the better browser.

So if it seems like AOL Time Warner has been swimming upstream, it's not all Microsoft's fault. Again stipulating—I love getting into this Perry Mason stuff—that Microsoft violated antitrust laws and should be punished, the real reason Netscape failed is very simple: customers.

I AM AMAZED that people still debate this, though I think it's mostly from an unwillingness to concede any point to the hated Microsoft, but the browser really does belong as part of an operating system. Indeed, browser technology (along with look and feel) has provided a common user interface and way of doing things. Tying the browser to the operating system, as Microsoft has done, has made computing easier for all of us.

Microsoft was right to bring browsing into the OS, just as it is right to better support multimedia and photography, home video,

and soon, broadcast television. Does doing this compete with companies that build stand-alone applications? Of course it does.

But what those companies are supposed to do is create better products that extend and enhance what Microsoft builds into Windows. What Netscape did—actually what AOL did to Netscape—was throw in the towel. That, or the battle just wasn't winnable, not so much because of Microsoft, but because Netscape/AOL Time Warner didn't offer customers anything they really wanted—other than an alternative to Microsoft, and that argument seemed to fall on deaf ears.

If AOL had run the Netscape business to compete, things might be different today. Instead, AOL turned the shell of Netscape into a media company with just enough development around to maintain the fa?ade of being a software company. AOL is many things, after all, but one of the things it's not is a software company.

Suppose AOL had invested heavily in the Netscape server businesses or had sold it to someone who would? Maybe things would be different today, as Netscape browsers used cool features available only from Netscape servers and Microsoft was left in the dust.

MAYBE NETSCAPE AND SUN could have done something more important with Java. Or perhaps the Novell/Sun/Netscape alliance could have gone somewhere. Perhaps if Netscape had been given the resources to fight on, things would be very different today.

I doubt it. Which is why I think Netscape has gone the way it has. Customers voted, and they voted for Microsoft. Were they pushed a bit by Microsoft's illegal practices? Surely, though not as much as I think Microsoft's critics want to believe.

AOL Time Warner has every right to sue, and the case is not without merit. But I hope this new lawsuit is more a ploy to get a better settlement in the federal case—which is warranted—than a means to prolong this battle indefinitely.

But if AOL Time Warner wants to battle over what Microsoft did to Netscape, then the case ought to at least figure in what AOL itself did to the once high-flying browser pioneer.

MTC–00024968

From: Alexander Wallace
To: Microsoft ATR
Date: 1/25/02 10:32am
Subject: Microsoft Settlement

This is a terrible setlement, you are letting MS buy this one!

MTC–00024969

From: gviewgran@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:25pm
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,
Nancy Wheeler
2176 Morgans Mill Rd.
Goodview, VA 24095–2767

MTC–00024970

From: bert hunsicker
To: Microsoft ATR
Date: 1/25/02 4:28pm
Subject: Microsoft Settlement

I would like to have the DOJ accept the settlement with Microsoft and put this whole thing to rest.

In the first place, I think it is wrong to prosecute MS as a monopoly. I am old enough to know that the original reason for creating laws to protect the public against monopolies was because of the harm they could do to the public. I truly believe that MS has done more for the public than any other company in the US. They have kept the price of software down to where it is affordable by millions of people instead of just the wealthy. An examination of the primary complainers against MS, namely Sun, AOL/Time Warner, and Apple are all who stand to gain a great deal if the government continues to attack MS. Take a look at Sun and see if they would sell their operating system for $100. and the same goes for Apple. The reason they don't compete well with MS is that they want to ROB the masses with much higher prices for their product.

I find it ridiculous to think that MS has no competition. Unix has been around a very long time as well as Sun and they are competitors. Now there is Red Hat or Linux and AOL/Time Warner is attempting to buy them so they can compete with Windows as an operating system. They paid several Billion dollars for Netscape so I don't think they truly believe they are unable to compete against MS. I put my money where it will do me the most good and that is with Windows by MS. If these others would come up with a good product and keep the price competitive with Windows and other programs by MS, I would certainly consider purchasing from them, but I won't hold my breath as I don't think they are capable of doing anything but bitching about how they are being treated so poorly now.

This whole case has done nothing good for anyone except the Lawyers who live for these cases to come along and the Justice Department is wasting the taxpayers money to continue the case. Penfield Jackson should be disbarred for his so obvious prejudice in his mishandling of the case to start with. Why should he be trusted with any other cases?

I could go on at great length, but suffice it to say that I think this should be ended now and let the courts get on with some real business instead of being used by the complainants. As far as the states who don't want to settle, all they want is a free ride and a bucket full of money.

Bert Hunsicker
8933 East 62nd Court
Tulsa, OK 74133–6362 (
918)459–9533
BertHun@Hotmail.com

MTC–00024971

From: Noel Holshouser
To: Microsoft ATR
Date: 1/25/02 4:44pm
Subject: Microsoft Settlement

As a citizen of the United States of America, a former teacher and an independent computer consultant, I find the proposed settlement objectionable. We who have had to attempt to work in environments containing Microsoft Windows have long suffered from their reliance on hidden, undocumented ''hooks'' into their operating system. The proposed settlement will do very little if anything to alleviate this. Rather than decreasing the monopolistic position, this settlement will strengthen Microsoft's dominance in one of the few areas where it doesn't already have such position.

Noel Holshouser—Independent Consultant
Plain Dealing, LA

MTC–00024972

From: dbradley@ebenx.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:32pm
Subject: Microsoft Settlement

Hello,

I have multiple concerns regarding MS and any settlement. I have yet to hear any plausible, sincere expression of *contrition* from MS, despite the judgement against them. I believe any punishment should fit the crime. Since the judgement will not be reversed, any punishment or ''settlement'' needs to address past, present, and potential future transgressions. I don't think it plausible that MS would be ''punished'' by any attempt at a (even a well-intentioned) ''behavior-modification-based'' remedy, certainly not by one that actually EXTENDS their (monopolistically gained) marketshare.

Although it is unlikely given the current political climate, (and not precluded by the Appeals Court), I still wish and believe that a split-up MS would be an appropriate punishment because I believe that would create actual (both OS and application) competition amongst the industry players (Apple, Oracle, Netscape, OSF, etc.).

Isn't that what an anti-trust punishment SHOULD do? Souldn't any punishment/settlement be meet (at least) this test? Unless the punishment is —actually— painfull MS will be emboldened to continue to propagate software that makes it easy for some disgruntled teenager (or terrorist) from even a ''third-world'' location to infect/damage/commandeer-for-unsavory-purpose thousands of (private and public) machines world-wide (some owners of which could (still) be ignorant/unable/apathetic). —

Dave Bradley

MTC–00024973

From: Donahue, Christopher
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/25/02 4:31pm
Subject: Microsoft Settlement

To Whom This May Concern:

I believe that the terms of the settlement are tough on Microsoft and may hurt it's revenues. This company has been an innovator in the technology field and has played a key part in the technology revolution. The settlements are fair and reasonable to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft, the industry and the economy to move forward.

Thanks for your time in this matter,
Christopher J. Donahue
Pfizer Global Research and Development
Discovery Technologies
Assay Development
2800 Plymouth Road
Ann Arbor, Michigan 48105
734–622–1473 phone
734–622–3244fax
christopher.donahue@pfizer.com

MTC–00024974

From: James Voorhees
To: Microsoft ATR
Date: 1/25/02 4:47pm
Subject: Microsoft Settlement

The proposed settlement should be rejected. I suggest four grounds for doing so. First, the settlement does nothing to undo the damange done by Microsoft in the course of gaining iand then maintaining ts monopoly. It gained that monopoly in part through practices that were uncompetitive.

Second, the provisions for enforcement are inadequate. Should Microsoft be found in violation of the settlement, recourse seems to be, in essence, a continuation of the lengthy legal procedure that has characterized the case thus far. The sanctions Microsoft would face if it violated the judgement should be made more explicit. At the least, a finite procedure should be made explicit.

Third, the Internal Compliance Officer, as an employee of Microsoft, is more than likely to serve, not as a good faith proponent of the settlement, but as Microsoft's apologist to the Plaintiffs, the technical Committee, and the court, explaining why Microsoft followed the letter of the judgement while violating its spirit. This, I believe, follows from Microsoft's corporate culture. It is a central principle of software quality assurance that the person who determines whether a project or program is following the processes and procedures it needs to cannot be paid by or otherwise beholden to that project or program. The Internal Compliance Officer, in essence, serves to assure the quality of the final judgement. The same principle should apply.

Fourth, the selection of the technical committee is biased in Microsoft's favor. In the first place, the criteria for excluding people from consideration are too broad. Given Microsoft's broad reach across the information technology industries, how many qualified technical experts are there who have not worked for a competitor, given a broad definition of the term ''competitor,'' and giventhat Microsoft, having the right to object, can use the broadest of definitions if it chooses to? Is it in the public's interest that this possibility be open? Is it in the public interest that Microsoft have the right to select one member, the right to object to another, and an indirect veto (through its chosen member) of the appiointment of the third?

Please understand that I am not inherently against Microsoft. Indeed, I make my career largely through Microsoft products. But, as I have explained, I dod not believe the proposed judgement serves the public's interest.

James Voorhees MCSE, MCP+I, MCP

MTC–00024991

From: bcawcaw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:30pm
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,
Barb Crow
1144 N Kokomo
Derby, KS 67037

MTC–00024992

From: James E Jurach Jr.
To: Microsoft ATR
Date: 1/25/02 4:34pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. I would like to echo the comments made by Jeremy P. White at http://www.codeweavers.com/jwhite/tunneywine.html and those of Dan Kegel at http://www.kegel.com/remedy/letter.html

Sincerely,

James Jurach, Texas; Developer, Online Banking Services company

MTC–00024994

From: kate.
To: Microsoft ATR
Date: 1/25/02 4:31pm
Subject: Microsoft Settlement

Settling is a horrible idea, prosecute their monopolistic selves until they allow free market competition.

While I believe strongly that their products are unreliable and shoddy enough to drive them out of business on merit alone, their market share forbids this and they strive to maintain this with every move they make and every condescending idea they throw at the government to let them off with a mere telling off when they deserve to be broken in to tiny pieces on the floor.

Catherine Jenkins
State College, Pennsylvania.

MTC–00024995

From: David A. Milligan
To: Microsoft ATR
Date: 1/25/02 4:33pm
Subject: Microsoft Settlement

Dear Attorney General John Ashcroft: I support of the recent settlement between the US Department of Justice and Microsoft. This settlement comes after two generations of software have occurred and it is time to settle. I am glad that Microsoft is not being broken up, but I think the terms of the settlement will correct some of the concerns that I have had with Microsoft's marketing tactics.

Essentially, I think Microsoft has shown heavy-handed methods in their marketing tactics. I think competition is necessary to grow an industry and Microsoft is doing no one any good by wiping out their competitors. The terms of the settlement force them to disclose interfaces that are internal to Windows operating system products and not retaliate against computer makers or software developers that promote non-Microsoft products. I believer that these concessions by Microsoft are fair and represent a step in the right direction. I think that any settlement should include terms that improve competition which is very important to improving our standard of living and productivity.

I hope your office finalizes the settlement and encourages the states to ensure that any further litigation on their part be justified.

Thank you.

David A. Milligan, Principal Engineer, Matches, 2005 N. Mistletoe Lane,
Edmond, OK 73034–6054, (405) 340–2673, Fax (405) 340–7884,
damilligan@matche.com

MTC–00024997

From: Tim Kulogo
To: Microsoft ATR
Date: 1/25/02 4:34pm
Subject: Microsoft Settlement

Any anti-trust settlement that helps Microsoft replace Macintosh in the School System will make Microsoft more powerful in the marketplace, which isn't much of a punishment. For this case to been anything but a waste of time and money, it must result in the creation of an operating system that is available at a lower price than windows, and can efficiently run the software that is available for the windows environment.

Tim Kulogo
Werner Electric Supply
920–969–2132

MTC–00024998

From: Jhilge1032@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:33pm
Subject: Microsoft Settlement

We, Mr. and Mrs. John Hilgendorf, believe the settlement is in the best interest of the consuming public and believe it should be approved. Continuing legal action can hurt the public rather than help it. Please let the open competition between companies continue without hindering a company

which has done so much for the general public.

Thank You for your attention!

MTC–00024999

From: Harry vanderBurg
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: Microsoft antitrust case

I would suggest to leave the software competition in the market place and spend the millions of legal fees (tax money) on better subjects such as education and healthcare. I personally believe Microsoft did a great job for our society and it was made possible by dedicated hard working developers. I still have to see the so-called negative impact for consumers. Software has never been so cheap and avalaible for a wide range of people throughout the world. Its rivals have to beat this company by making better products instead of going the easy way and try to fight in court.

H.W. van der Burg MBA
Business Consultant
The Netherlands

MTC–00025000

From: GGlenday75@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: Has your opinion been counted

I FAXED my letter back to you yesterday.

Sincerely,
George A. Glenday

MTC–00025001

From: Ray Casper
To: Microsoft ATR
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement

January 25, 2002
Attorney general John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. ashcroft:

This letter is in support of the settlement with Microsoft. The settlement is in the best interest of the state, the IT industry, and the economy because it will allow us to direct those millions of dollars into other more important cases and programs.

There are many restrictions on Microsoft as a result of this settlement. for instance, Microsoft has agreed to make available to its competitors any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. In addition, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Plus, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

Not only is the settlement fair and seems reasonable, but it also will prevent any future anticompetitive behavior. This project has gone on long enough and the general public wants to end the case and return to business as usual.

Thank you for your attention to this matter as well as the other pressing day to day problems you have handled well during your time as Attorney General.

Sincerely,
H. R. Casper
102 Concord Drive
Watkinsville, GA 30677

MTC–00025005

From: cananns@postoffice.
pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: MICROSOFT SETTLEMENT

DOJ:

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 Amercian consumer.

The current proposal is merely an agreement by Microsoft to soft pedal its competition-stifling practices in return for the use of built-in loopholes that give it a leg-up on competitors. For example, permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), is tantamount to state-sponsorship of the extension of Mcirosoft's monopoly. 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.

Finally, to permit realistic options for enforcement and to avoid a recurrence of past practices, an oversight committee of some sort is truly needed.

Your attention to this matter is greatly appreciated.

Sincerely,
Alyssa Canann

MTC–00025018

From: Randall Hale
To: Microsoft ATR
Date: 1/25/02 4:37pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to submit to you my opinion briefly.

I believe that Microsoft has used and will continue to use delay tactics to lessen any hardship that may be required of the company and it officers. This has been effectively practiced in this case and other recent legal cases to the point that they have made a mockery of our justices. I know that the appeal process is part of the system and they have the right to do so. But the justices they should not be blind to the intention and the craftiness of this organization.

The Justice was right to not accept Microsoft's last offer it only would have served to reward their bad behavior.

I think that Microsoft should be penalized to the point that it will conform to fair and legal business practices. Microsoft is so powerful that it can change the direction of the wind, with power like this a we need to treat it very respectfully and with sterness.

Randy Hale

MTC–00025019

From: Oliver Barnes
To: Microsoft ATR
Date: 1/25/02 4:36pm
Subject: Microsoft Settlement

I would like to it to be known that I think the Microsoft Settlement to be a farse.

I believe the only way to end Microsoft's monopoly would have been to break it up into two separate companies, one in the Operating System businees and the other in the Application Software business. This settlement was a direct product of this Administration's ties to Microsoft.

I subscribe to the views expressed in Dan Kegel's petition, and have signed it myself.

Oliver Barnes, US Citizen
Web Developer, self-employed
Brooklyn, NY

MTC–00025020

From: grant@drbelgard.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:34pm
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,
Grant Belgard
9566 East Van Pl
Baton Rouge, LA 70815

MTC–00025021

From: Mat Caughron
To: Microsoft ATR

Date: 1/25/02 5:02pm
Subject: proposed settlement is not in the public interest

To Whom it May Concern:

I have nearly a decade of experience in the retail software industry.

The proposed settlement is a bad idea.

Please consider Dan Kegel's suggested revisions.

Thank you,
Mathew Caughron
co-founder
Proteron LLC
11649 Westwood Lane
Omaha NE 68144

MTC–00025022

From: Burt Pittman
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

To whom it may concern

It is clear from court documents and other public information that Microsoft has acted illegally and from all indications will continue to do so in spite of any penalties imposed or agreed to. It is becoming increasing clear that the power that Microsoft holds is not only greater that the other participants in it's market, but it greater even than the Department of Justice itself. The performance of the Dept. of Justice and the political and legal system as a whole does not speak well for Democracy in this country.

MTC–00025023

From: Betty Rae
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

Dear Holders of the Public Trust!

I truly believe that it is in the best interests of the public at large to settle the case between the Department of Justice, the 9 states, and Microsoft.

We and our beloved country need to continue to benefit from the development of the resources and knowledge that Microsoft continually works toward providing, for the good of all, even for their competitors!

Diverting of their finances and energy toward lawsuits on every side is wasting the funds that could much better be utilized for such development. I realize that lawyers involved in this field need to make a living, also, but, indirectly, it seems that it is being done excessively, at the expense of the good of many of our people. I feel this way, because many improvements in medicine, business and daily life are waiting, unfunded, to be developed by Microsoft, and yes, even by those States and Competitors who filed against Microsoft.

The costs, of what I think are lawsuits that benefit few people, place these developments on a back burner, where they should not be.

Let us settle this antitrust case now, without further ado. From here on, please let Microsoft and the States, Competitors, as well as the Department of Justice, go out and do the GOOD that you can do. Please quit wrangling with one another.

Thank you for allowing me to communicate with you. I wish you all the very best.

Sincerely,

(Mrs.) Betty R. Hartwick

MTC–00025024

From: David Williams
To: Microsoft ATR
Date: 1/25/02 4:41pm
Subject: microsoft settlement

A company such as Microsoft should be rewarded for what it has done not penalized.

Sincerly,
David S. Williams

MTC–00025026

From: Kevin Moore
To: Microsoft's Freedom To Innovate Network
Date: 1/25/02 4:42pm
Subject: Re: Has Your Opinion Been Counted?

Let me be honest with you. I think that what the Federal government engaged in during the Clinton administration was political grandstanding, perhaps even some sort of vendetta, but certainly not in the national interest.

I also believe that Microsoft engages in predatory marketing and sales practices. You dominate the computer industry because you are good, but also because you have and continue to throw your weight around. I don't like it any more than I like our huge Federal beaurocracy and it's results.

I agree that it is time to move on. Stop trying to put your competition out of business. And, I strongly suggest that the government—DOJ especially—worry about national security, immigration, and misinterpretation of our Constitution.

Kevin Moore
Erie, PA

——- Original Message ——-
From: Microsoft's Freedom To Innovate Network
To: ''KWMERIE@HOTMAIL.COM'' Sent: Friday, January 25, 2002 1:59 PM
Subject: Has Your Opinion Been Counted?

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter. If you would like any changes, we would be happy to make them now.

The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest.

If you would like your opinion to count, now is the time to send in your letter! Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, OR SIMPLY REPLY TO THIS EMAIL WITH A SHORT NOTE INDICATING THAT YOU HAVE SENT YOUR LETTER.

Please take action today, to ensure your voice is heard.

Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255
Email: fin@mobilizationoffice.com

Your support is greatly appreciated!
FIN Mobilization Office
CC:Microsoft ATR

MTC–00025027

From: Ronald R. Cooke
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:44pm
Subject: Tunney Act Comments: Microsoft Settlement

January 24, 2002
Ms. Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division
Department of Justice
601 D. Street, NW
Washington, DC 20530.
Reference: Tunney Act comments in United States of America v. Microsoft Corporation, Civil Action No. 98–1232 (CKK) and State of New York v. Microsoft Corporation, Civil Action No. 98–1233 (CKK).
microsoft.atr@usdoj.gov
With copies to: Interested Parties
From: Ronald R. Cooke
Cultural Economist and Industry Analyst

The Settlement Proposed By The Justice Department Overlooks Reality Consumers within the Information Systems industry have expressed their skepticism about the settlement proposed by the Justice Department. In a poll of readers, for example, ZDNet asked: ''Did Microsoft get off easy in the DOJ settlement?'' Seventy four percent of the respondents said ''Yes''. To quote columnist David Coursey, ''Nobody is precisely sure what it means, but the total effect seems little more than a hand slap .... Prohibitions that exist in one section seem to be rendered meaningless by another''.l Consumer and industry respondents to the Tunney review process will probably contend that the proposed remedy does not effectively end the anticompetitive practices, will not materially deprive the wrongdoer of the fruits of the wrongdoing, and will do virtually nothing to ensure that the illegality does not recur. The terms of the settlement are much too vague to be of much use. They can be manipulated and rendered ineffective through the legal process. The enforcement mechanism is inadequate. And finally, there is no clear cut way to prohibit monopolistic behavior.

There is a more fundamental issue, however, that has not been adequately addressed by the process of law. It can be expressed as a simple question: How much unconstrained power do we want one single company to have? As the Enron debacle has demonstrated, this is not an idle question. Unrestrained corporate behavior can severely damage consumer rights.

Microsoft has demonstrated that it can dominate the thinking of the PC Culture that

it so zealously nourishes. It has an overwhelming influence over the press—and therefore—the opinions of an uncritical public. Within the information systems industry, Microsoft is acknowledged to have indisputable economic, political and cultural power. Comments by members of congress suggest this company also has a growing influence over the legislative process.

Given its announced strategic plans, it should be obvious this company wants more. Much more. Microsoft wants to wield the same kind of influence over the entertainment and communication industries that it does over the computer industry. It currently has aggressive initiatives to dominate the services and content of the Internet and is pressing forward with plans that will effectively manage the access, distribution and use of networked consumer entertainment. Mobile and location technologies will be used to penetrate additional consumer services. .Net will drive the consumer to Microsoft approved content and services. If these initiatives are successful, this single company will be in a position to dictate how we create, store, edit, access, distribute and use all kinds of electronic information. Worldwide. Across three industries.

The reality of this situation raises a number of questions. Given its growing political and economic power, why do we believe that Microsoft will feel compelled to abide by the proposed settlement terms? Will they modify Microsoft's business strategy? Product plan? Will they prevent Microsoft from using integration, bundling and tying as weapons to lock out competitors in three industries? Will the proposed behavior monitoring process guarantee the delivery of reliable products? Improve consumer security? Prevent the abuse of corporate power? Ensure open markets? Encourage competitive innovation?

It would appear that the answer to all of these questions is a resounding ''NO''. If that is true, then how can any reasonable person claim that the proposed settlement serves the public interest?

Who Is The Consumer?

Consumers have the right to expect that our federal institutions will deliver a settlement that has an immediate, substantial and permanent impact on the restoration of competition within the information systems industry.

But, who is the consumer?

Media and political personalities frequently project the image that all ''consumers'' are deficient, clueless and vulnerable. It is an image favored by self proclaimed consumer protection groups. Consumers are easily victimized and thus considered in need of protection. Hence in the Microsoft anti-trust case, both the Justice Department and the presiding Judge were concerned that the ''consumer'' had been victimized by excessive software prices and a lack of choice. This somewhat ill-defined person had been forced to purchase Microsoft software through a captive retail channel and may have been overcharged.

In reality, this image of the ''consumer'' is misleading. If we want to reach a settlement that protects both personal and institutional rights, we must first agree on a definition for the word ''consumer'' that incorporates all classes of buyers. For the purposes of this settlement agreement, therefore, we must consider two broad classifications of the concept ''consumer''

There are personal consumers and there are Enterprise consumers. Personal consumers engage in personal consumption. This happens when people make purchases for themselves, their families, their friends or anyone (or thing) else that commands their interest. They use their own money. Typical purchases include food, clothing, housing, vehicles and so on. Personal consumption accounts for roughly two thirds of America's GDP.

Enterprise consumers spend money that belongs to the Enterprise. They buy products, property or services for their employer or their business. Broadly defined, Enterprise consumers include any entity defined by the standard industrial classification codes: i.e. insurers, manufacturers, retailers, hospitals, educational institutions, government agencies, personal service businesses and so on. Enterprise consumption accounts for approximately one third of America's GDP.

Both segments of America's consumer population must be protected from Microsoft's assertive marketing power. We must not leave either group of technology buyers in the position that they will be forced to chose key products and services from one vendor, good or not, on terms and prices they can not evade.

One of the more glaring problems with the proposed Microsoft settlement is that while Federal and State authorities have properly reacted to personal consumer complaints, they have failed to deal in a meaningful way with the problems of the Enterprise consumer. Industry wide issues include:

Enterprise networks have become incredibly expensive and difficult to maintain.

Existing PC operating systems are hard to manage and very costly to own.

Internet and Intranet security problems have become so bad that they threaten electronic commerce and the viability of Enterprise operations. There are multiple industry reports that address these issues in great detail. It is worthy to note that excessive information system costs have been calculated in the $ billions per year and that industry publications continue to report on the related management and operating problems. It is also clear that these impediments will continue to plague the Enterprise consumer because there is no effective competition for the architectural concepts promoted by the dominant vendor.

In this legal action however, Microsoft's alleged disregard of consumer needs was never pursued. There appear to be several reasons: some political, some practical, and some due to the inherent obsolescence of the Sherman Antitrust Law. But the issues remain:

If PC operating system development has been paralyzed by the domination of a single vendor, has the consumer been harmed? And if the products are defective, what is the burden of liability?

If network systems design has been primarily driven by the product plan and business model of a single vendor, has the consumer been harmed? And if the underlying system design was dysfunctional, what is the burden of liability?

If a vendor, in order to deflect competition, announces products that do not exist, or products that never make it to market, has the consumer been harmed? And if the consumer was mislead, at what point does this constitute consumer fraud? What is the associated liability?2

If consumer security and safety have been jeopardized by deficient systems architecture and defective products, what is the vendor's liability?3

The complaints against Microsoft are far more numerous than those covered by this narrowly defined legal action. If the court wishes to impose a meaningful settlement on Microsoft, it will have to consider both the concerns of this specific case and the underlying intent of the Sherman Act. There is case law and there is the reality of dealing with an overwhelming marketing machine that is essentially able to set its own agenda.

This reality puts the court in a quandary. If the court is to be forthright in its desire to protect the consumer, it must provide substantial relief for both personal and Enterprise consumption. It will have to deal with both the specific and the ambiguous. It must certainly expand the interpretation of the Sherman Act. And finally, the court will have to make its findings with the knowledge that this settlement will have a bearing on future actions against AOL/Time Warner.

Microsoft The Company

Microsoft's corporate culture is driven by the mantra of revenue growth, institutional power and market control. Software is developed to gain market share or to demolish competition. Software defects and chronic insecurity have been institutionalized as components of the product plan. Microsoft does not have to be driven by consumer wants and needs. Microsoft is free to be driven by whatever strategy protects its revenues and extends its power into additional markets.

Microsoft has been able to adopt competitive software concepts within its Windows architecture, thereby rendering the competitive software irrelevant. Examples include the incorporation of the Internet Explorer browser into the Windows user interface in order to destroy Netscape's Navigator and the inclusion of ''Java like'' features in the company's .Net strategy, a ploy that will eventually render Java redundant within the Windows environment.

When faced with standards based competition, Microsoft has frequently been accused of using an ''embrace, extend, extinguish'' strategy to render the standard useless. Microsoft's version may even flaunt the concept of ''open standard'' by restricting Windows clients from working with any platform other than a Windows server.

Microsoft has convinced a wide range of technologists, journalists, legislators and consumers that it has the exclusive wisdom to provide software innovation.

This—of course—is absolute nonsense. Microsoft is not the only company that understands the fundamentals of software technology. Were it not for the company's

monopoly control over the market, consumers would be able to purchase a far superior PC operating system. Other vendors have developed, and are marketing, embedded operating systems with better technology and excellent reliability. Enterprise users have embraced a variety of alternative server operating systems because they have superior reliability and a lower cost of ownership. There are certainly alternative ways to build consumer friendly Internet, e-mail, word processing, spreadsheet, graphics and data base applications. And there are many companies that develop software for the cell phone, PDA, set top box, in-home server and game markets.

Unfortunately, few alternatives can effectively compete against Microsoft's marketing power. This company continues to use integration as a predatory weapon. Competing products, services and content will be hobbled—and thus less desirable.

Management has a vision. Microsoft plans to dominate the computer game, cell phone and PDA/HPC (Personal Digital Assistant/ Handheld PC) markets, will force its way into the cable business and fully intends to be a leading provider of Internet services. These are key revenue growth strategies. The company's XP operating system is important because it drives Microsoft's largest revenue stream and the future of the company's .Net strategy. The Stinger cell phone and Pocket PC HPC OS launches open up new recurring mobile network revenue opportunities. The XBox game platform opens a strategic path to the convergence of entertainment and computing in the home. The company is actively tying its computer and communication software product strategy to its Internet services and content strategy. The Internet gives Microsoft a virtually unlimited marketplace that can be molded to the company's operating philosophy. Hailstorm and Passport fit perfectly into this scenario. Network clients using Microsoft software will be tightly integrated with Microsoft application and content servers.

This is, after all, what convergence is all about.

Unfortunately for the consumer, management's vision has a potential downside. Microsoft will be able to demand access to all of the software we use, modify it with or without our knowledge, and make copies of our files. This company will be in a position to monitor our use of the Internet, our political philosophy, our purchase behavior, and our friendships. Will Microsoft actually do this? Will a hacker be able to do the same thing? Does the consumer really want to be this vulnerable? We can understand that Microsoft's business model is driven by the visceral desire to absolutely dominate all high volume software applications. We can also understand that the company's prospects for revenue and profit growth are interdependent with the accumulation of power over the consumer's use of computing technology within the computer, communication and entertainment industries.

It is time, however, to ask one simple question: Does this ubiquity serve the public interest?

On the one hand we acknowledge Microsoft's accomplishments, the intensity of its vigorous pursuit of new markets and its right to function as an independent business. But on the other hand, the court must fashion a remedy that incorporates genuine protection for the consumer. The PC era was lots of fun. The Internet era was a wild ride. But going forward, Enterprise and personal consumers must have cost effective software that is reliable, predictable, useful, secure, easy to manage and open.

Will a court imposed settlement provide the key?

Alternative Remedies

Nine States4, along with the District of Columbia, have presented an alternative proposal of remedy that would, if implemented, partially correct these deficiencies. This proposal has credibility because it directly addresses the findings of this specific case and establishes remedies that are consistent with prior court tests that judged the validity of relief from infractions of the Sherman Antitrust Law.

1. Microsoft would have to offer a stripped version of Windows. Although much thought must go into the implementation methodology of this recommendation, it could have the effect of reducing consumer costs by encouraging the development of alternative personal computing appliances with competitive applications software. It would also have the effect of making it more difficult for Microsoft to exclude competition by tying its operating systems to its applications, content and services.

2. Microsoft must support Java.

Enterprise consumers have espoused Java as a highly useful programming language. Because it is an interpreted, object oriented, platform independent language, Java can be used to reduce the cost of developing, deploying and supporting networked applications. Despite the obvious benefits to the consumer, Microsoft wants to kill Java by making it irrelevant within a Microsoft controlled programming environment. Forcing Microsoft to give its full support to Java would give the Enterprise consumer and applications software developer incremental choice in the selection of development environments.

3. Microsoft would be compelled to make Office available for all popular operating systems.

Consumers have been forced to accept either Apple or Microsoft PC operating systems as a defacto prerequisite for using the company's Office suite. If Office were made available for all popular non-Microsoft operating systems, consumers would have a wider choice of operating system environments. In addition, this recommendation would encourage the development of competitive PC operating systems, presumably based on architectures that could deliver superior reliability, function and security.

Given a carefully constructed court approved implementation and supervision methodology, these recommendations would be most helpful to the restoration of competition within the PC and network appliance software industries. However, if we want to preserve an open and competitive market, and if we want to be vigilant in our support of acceptable corporate behavior, then we should consider three additional recommendations.

4. Restrict Microsoft from the Embedded Systems market. There are a number of reasons to restrict Microsoft's participation in the embedded systems market5. For the purposes of this specific settlement, however, we must focus our attention on the restoration of competition and innovation within the PC market. Going forward, we also need to ensure consumer choice in the markets for set top boxes, entertainment devices and communication appliances, as well as network based content and services. As discussed above, Microsoft's announced strategy is to tie its software products to its services and content businesses. If Microsoft is successful with these initiatives, this company will have greatly extended its marketing power and will be in a position to monopolize segments of the entertainment and communications industries.

For a period of seven years, therefore, Microsoft should be prohibited from selling any embedded systems software products, including CE, its derivatives and any comparable products. If there is to be any credible competition for Microsoft's existing monopoly over PC operating system architectures, it is most likely to come from the manufacturers of network attached appliances. Over time, the embedded software within products will increase in sophistication. There is no reason why these system architec tures can not be used to provide the consumer with the whole range of PC applications.

Microsoft would be compelled to establish a separate company for its CE, Stinger, XBox, PocketPC, set top box and all other currently active embedded systems product efforts within 8 months of signing a settlement agreement. Microsoft would not be allowed to own any part of the company or its stock for a period of 7 years. Any funding for the newly spun-off company must come from sources in which Microsoft has no financial interest. Five years after the spin-off, Microsoft would be allowed to start a new embedded software development effort that could be offered for sale no sooner than seven years after signing the settlement agreement. Placing restrictions on Microsoft's embedded systems efforts will reduce the company's ability to dominate the related communication and entertainment markets. Microsoft would be encouraged to establish partnerships with the existing content and service companies as well as the manufacturers of embedded hardware and software products. These markets can then evolve in ways that are not tied to a single company's business strategy and revenue plan.

5. Place Microsoft under Court Supervision

It is difficult to imagine how the proposed settlement terms will prevent Microsoft from engaging in anti-competitive behavior. One would have to assume that Microsoft is immune from the temptations of corporate power. It would be helpful, therefore, if Microsoft were placed under the supervision of the court. A methodology must be developed that permits complaints of

wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed by the court after a hearing process.

Court supervision should reduce the need for further Justice Department action and could be used to establish the parameters for pending civil actions. The intention is that Microsoft could engage in any permitted business practice, strategy and tactic it wished, so long as the court agrees that its actions are lawful. The period of supervision should be continued until the court, by its own determination, believes that supervision is no longer justified.

6. Insist on a Code of Conduct

If we assume that we do not want our larger corporations to be driven solely by the mantra of revenue and profit growth, then any company that achieves a dominate position within any single industry has an obligation to adjust its behavior to operate in the public interest. The usual mechanism is through the imposition of government regulation. Absent this solution, the alternative is to insist that the dominant company have a set of enforceable standards against which it is possible to judge individual employee conduct.

Under court supervision, Microsoft should be compelled to adopt a Code of Conduct. Specific sections should address this company's relationship with competitors, suppliers, consumers, and partners. A methodology must be developed that permits complaints of wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed against individual employees.

It would appear that these recommendations can be implemented in a fair and equitable manner. The objective is not to unduly punish Microsoft. The Third and Fourth Waves of computing are history. We must look forward, not backward. Punishment is less desirable than the creation of a competitive, needs driven, marketing environment for the consumer. It would appear that all six recommendations, if implemented as a whole, would have a minimal impact on Microsoft's existing revenues and profits. There would be little interference with the company's PC and server software business. Over the next 5 to 7 years, the net effect is that Microsoft would not grow as fast and it would have to look to industry partners for some products compliment its .Net strategy.

For the consumer, however, the restoration of competition within the PC industry will be enormously beneficial. New innovation can take the form of products that are easier to manage, more reliable, more secure, and less costly to own.

The Sherman Antitrust Law

AS a piece of legislation, the Sherman Antitrust Law appears to be obsolete. The Sherman Antitrust Act of 1890 was designed to deal with the political and monopoly power of (frequently interlocking) trusts. Specific companies had pricing, availability, distribution and product power over the consumer. Relief came in the form specific restrictions to business practices and monetary punishment.

The Sherman Antitrust Law does not address the defacto standards issue. Over the last 75 years, the telephone, teletype, electric, water, radio, entertainment, and television industries have been characterized by the evolution of increased concentration based on a company dominated list of defacto standards. Within the public services industries, regulation has been used to ensure that these standards are beneficial to the public interest. There are additional examples of industrial standards that have been promoted for the benefit of all potential players. When RCA set the defacto standards for color television, for example, multiple industry participants were able to adopt them for their individual benefit. Dominant players set the rules of competition and corporate existence. All industries are vulnerable. Airlines, banking, insurance, manufacturing, retailing—it does not matter. The potential for domination—whether by marketing power, financial strength, or technology—exists. And if 21st century industries tend to gravitate toward single standards established by one dominant player, then we need to ask multiple questions:

What is an open and competitive market?

What is the basis for determining economic concentration?

What is market domination?

Should a company be allowed to use it's domination of one market to leverage its customer base into the domination of other markets?

If the consumer is forced to purchase defective and/or dysfunctional products because there is no viable alternative, what is the dominant company's implied liability?

What are consumer rights? (How can they be measured?)

At what point does the power of the dominant player jeopardize consumer rights?

What is a fair penalty for jeopardizing consumer rights?

If a market is dominated by a single company, at what point does this imply that it must assume a fiduciary responsibility to act in the public interest? And what are the guidelines for corporate behavior? How will they be enforced?

How much political and economic power do we want a single company to accumulate within a specific market?

And finally; What is the mechanism for restructuring competition? Obviously, there are many more questions that need to be addressed if the Sherman Act is to be rendered relevant to the realities of 21st Century Corporations. The purpose of this more limited discussion, however, is to demonstrate the deficiencies of the Sherman Act when considering the specific parameters of this settlement. Neither the Sherman Act, nor the proposed settlement, address the realities of existing market structures, emerging technologies, defacto standards, the issues of convergence or the use of 21st century corporate power.

Since the Sherman Act currently provides inadequate guidelines for establishing what will be—essentially—public policy, then the court has two choices:

*Interpret the law within the narrow confines of this case using legal precedent (which essentially will let Microsoft off the hook); or

*Broaden the interpretation of the Sherman Act in order to protect the consumer from further harm that may occur in the future (which will require the Court to consider issues and questions not necessarily documented within the scope of this case).

Either way, the court's determination will be sent to the Supreme Court for resolution.

Conclusion

Since the proposed Justice Department settlement provides only limited relief for a very narrowly defined case, it will fail to provide the public policy guidelines that are so desperately needed to protect the consumer from the abuse of corporate authority. It does nothing to relieve the increasing concentration of political, economic and marketing power that is now occurring within the computer, communication and entertainment industries.

We are thus faced with two realities. On the one hand there is the reality of the specifics of this case and the proposed settlement remedies. On the other hand, there is the reality of the need to maintain open and competitive markets for the products, services and content. A really good settlement will bridge these two realities.

As for the Sherman Act? Corporate governance is out of control. Unfortunately, we all know that Congress will not act until it is politically expedient to do so. Failure to act implies acceptance of the status quo. Competition will fade. Corporate power and influence will be concentrated. More Enron's will happen. By the time congress acts, if at all, it may be too late to impose meaningful reform.

So it is up to our court system, and perhaps the Commissions of the European Union, to both make and execute the guidelines we need to protect the consumer. We want our corporations, including Microsoft, to be successful. We expect them to grow their revenues and profits. We want them to pursue new business opportunities. But we also want them to operate within open and competitive markets so that consumers have an opportunity to purchase the products, services and content they want, at a price they can afford, and on terms that make them practical. That means that our legal system must guard against the potential abuse of corporate power and the inherent problems of market domination. In this settlement, we are asking the court to define those guidelines in a way that protects consumers from the potential of future abuse.

Is that too large a task? Too sweeping a challenge? Too far from the specifics of this case? I think not. It is the reality of 21st century technology and market structures. Convergence, after all, implies consolidation. And consolidation breeds domination.

MTC–00025028

From: Spearlib@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement
Attn.: Renata B. Hesse.

The subject settlement is one of the most disappointing things that government has done in a long time. It has no really bases in my opinion. If there is any monopoly it is government.

It appears to me that Netscape and other like companies are pursuing this issue to feather their own nest. It is of no benefit to the American citizens as far as I can see. In fact it is diverting many resources from one of the most creative companies to keep over zealous regulators and litigators from destroying it's ability to compete in the old fashion American way. In my opinion what you, that is the justice department, are doing is about as un-American as it gets.

Spear Lancaster

MTC–00025029

From: Jeff Chirico
To: Microsoft ATR
Date: 1/25/02 4:43pm
Subject: Microsoft Settlement

I am amazed that the DOJ continues this special interest and corporate biased trend of regulating competition in the courtroom. At various times in history different companies have excelled in specific business areas, but as is usual in a market driven economy the balancing of business is achieved through vigorous competition in industry, not through litigation. IBM looked unstoppable when I was growing up, and went through the same defining moments as Microsoft. Years later after IBM's strength was weakened the DOJ then dropped the anti-trust case. What did this endeavor actually resolve, but the weakening of an American enterprise.

Thankfully Microsoft products are American and represent a market segment that the United States still has a significant lead and growth in. Yet, only in America do we thwart such innovative products from growth using the courtroom to pad folks'' resumes in the DOJ.

I hope the Republicans in office will recognize a more laissez-faire approach to the economy, and will now halt this trend by pushing this case out the door with a limited remedy. The current remedy proposed that benefits education seems more than reasonable and honorable to me. The states that do not agree at this point have their own special interests, and are purchased lobbyists for AOL, Sun, and Oracle.

Sincerely,
Jeff Chirico

MTC–00025030

From: Jesse Wheeler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:44pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is bogus. Please reconsider.

MTC–00025031

From: Darrell McKigney
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

Comment from the Small Business Survival Committee on the Proposed Settlement in United States v. Microsoft

January 25, 2002

Darrell McKigney
President
&
Raymond J. Keating
Chief Economist
Small Business Survival Committee
1920 L Street, NW, Suite 200
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The Small Business Survival Committee (SBSC) believes that the proposed settlement between Microsoft Corp., the federal government and nine U.S. states in the case of United States v. Microsoft Corp. generally serves the ?public interest? and the nation's economic well being.

In its settlement, Microsoft has agreed to a variety of restrictions on its business practices for at least five years. Microsoft also would be subject to (and have to pay for) a full-time, on-site monitoring panel of three computer experts, who would have complete access to Microsoft's software code, systems, books, records, personnel, etc.

Considering that the antitrust case against Microsoft had absolutely no basis in economic reality, and that the government brought its case at the behest of competitors?not consumers—who could not keep up in the marketplace, we view any findings against Microsoft, and related restrictions placed on the firm, as unwarranted. However, given the costs, looming uncertainties, the current economic climate, and penchant for bad law and convoluted economics to dominate in the antitrust realm, Microsoft certainly made the correct business decision in reaching this settlement. Investor's Business Daily hit the nail on the head when it recently (January 22) editorialized:

Late Thursday, Microsoft reported its earnings for the fourth quarter. They included a hefty charge of $660 million, or 8 cents a share, for expenses linked to antitrust lawsuits and ongoing legal action by some states.

Think about it: that's two-thirds of a billion dollars. It could fund a lot of research, give a lot of raises to workers, even fund more Microsoft charity around the country.?

So, the costs of this case for the company, the taxpayers and the economy in general have been formidable.

And make no mistake, these costs are felt by many small businesses. Small enterprises certainly can be affected by the costs of this antitrust case (and others) in their roles as consumers of Microsoft products, and as suppliers to Microsoft. In addition, entrepreneurship and business can be impacted by the message sent by government in a case such as this, i.e., that if a business works and competes hard to succeed and gain market share, the government may move against it through regulation and litigation. That is not a positive economic message for government to be broadcasting into the marketplace.

Microsoft, the many businesses which serve as its suppliers and consumers, and the software industry have been placed at risk due to the government's long antitrust inquisition against Microsoft, and real costs have been incurred. The government's antitrust case against Microsoft has boosted costs, increased uncertainty in the high-tech community, and thereby, hurt the entire U.S. economy.

Looking ahead, it is quite disturbing that government officials—including regulators, lawyers, and judges—have the ability to impose their own anachronistic views of how markets should work on the rest of us, including the high-tech industries of today and tomorrow. Antitrust regulation remains a dangerous wild card in the marketplace. Depending how the latest political breezes happen to be blowing, our nation's most successful companies are in a position to be punished for their success via antitrust actions.

Antitrust law is regularly presented as a bulwark of competition and free markets. In reality, however, antitrust law, for the most part, is distinctly anti-market and anti-competition because it allows government bureaucrats or judges to overrule decisions made by consumers in the marketplace. In the end, government antitrust actions in this case have amounted to nothing more than an effort to protect some of Microsoft's current rivals from the rigors of competition, and/or an effort to expand the reach and control of government.

It needs to be understood that in the free market, businesses compete against current and future competitors. The rapid pace of innovation in the computer industry makes this abundantly clear. Therefore, many antitrust actions exhibit an inability on the part of regulators, government lawyers and some judges to understand the dynamic nature of the marketplace. Markets are not static. The classroom lesson about ''perfect competition'' does not exist in the real world. Instead, the economy involves a rough-and-tumble competitive process whereby entrepreneurs and businesses create new products and services, innovations, and efficiencies, often generating temporary monopolies that are then obliterated by competitors. Prices and profits act as signals in the marketplace to other businesses and entrepreneurs. An activist antitrust regime, as was exhibited over the past several years in the Microsoft case, disrupts this beneficial economic process.

The fact that antitrust law looms unchanged—to be erratically used as a club by government—will continue to cast a shadow over the U.S. economy, particularly dynamic high-tech industries in which temporary monopolies are the clear rule.

Ideally, the Microsoft case should have been dropped altogether, and looking ahead, dramatic antitrust reform needs to be undertaken to reflect economic reality.

Short of such action though, a settlement in this case, which obviously steps far back from a proposed break up of Microsoft, makes sense. Hopefully, since much of the government's case has been thrown out or overturned, perhaps this Microsoft settlement will serve as a warning that antitrust restraint on the part of the government far better serves consumers, entrepreneurship and innovation, than does antitrust activism.

Darrell McKigney is the president of the Small Business Survival Committee.

Raymond J. Keating serves as chief economist for the Small Business Survival Committee (SBSC).

SBSC is a nonpartisan, nonprofit small business advocacy group headquartered in Washington, DC

MTC–00025032

From: Kevin Mounts
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

As a long-time professional software engineer living in Seattle, I have been privy to a great deal of information about Microsoft's behavior in the software industry, through careful attention to various news media, discussions with other software engineers, including those working at Microsoft, and personal experience. What I know of Microsoft's business practices leads me to the unavoidable conclusion that the company is severely anti-competitive, has been a constant hindrance to progress and innovation in the field of software development, and will not be deterred in the least in some of its more egregious, if less public, practices by the proposed settlement.

Settling with Microsoft on these terms is the business equivalent of Prime Minister Neville Chamberlain's 1938 statement that he had ensured ''peace in our time'' through his settlement with Hitler over the Sudetenland.

Personally, I don't feel that anything short of liquidation would provide adequate remedy for the harm Microsoft has done to the industry, but as that is unlikely to happen, a break-up along lines similar to Judge Jackson's proposal would be the minimum that would have a noticeable effect.

Kevin Mounts
Mahana Enterprises
kevin@mahana.com

MTC–00025033

From: Will Francis
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

The proposed settlement does very little to limit the scope of Microsoft's anti-competative and anti-consumer acts. Microsoft's ''embrace and extend'' policy attempts to have solely them control any standard into their own defacto standard therefore not allowing anyone to compete in any meaningful way. Whenever another company invents something novel which may compete meaningfully with a Microsoft product, those companies are either bought outright, or Microsoft ''innovates'' those same services into their Operating System such that it's pointless to purchase the original competitors products. Java is such a perfect example where Microsoft licensed Java and then ''extended'' it in such a way that broke compatibility with the original version. This allow Microsoft with it's massive installed base to become the defacto controller of Java. Thankfully, Microsoft lost in court against Sun, but to counter that, they simply stopped shipping Java with their products and invented their own Java-like language. Obviously the same pattern can be said about their browser, their media client, Office products, games, email clients and many more.

In my opinion, Microsoft should be broken up into two companies:

1. An OS company
2. Everything else

Allow other companies to provide services for the OS on a level playing field as Microsoft itself. As long as Microsoft can grow their OS to include whatever industry they which to dominate next, few will dare to compete with them.

Thank you.
Will Francis
US citizen
San Jose, CA
(408) 297–5988

MTC–00025034

From: Patrick Elliott
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the terms of the settlement against Microsoft Corporation are reasonable and fair to all parties involved, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward. While I personally do not see any wrongdoing on the part of Microsoft, I am glad to see their willingness to work with the DOJ and the industry to continue to promote fair, competative business practices.

Sincerely,
Patrick M. Elliott, Petersburg, VA

MTC–00025035

From: jamespapa51@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:43pm
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 Papa
66 Camille Dr
Rochester, NY 14612

MTC–00025036

From: Francesco Gallo
To: Microsoft ATR
Date: 1/25/02 4:46pm
Subject: Microsoft Settlement
From: Francesco P. Gallo
216 Hitching Post Dr.
Wilmington, DE 19803
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

These my few lines are a follow up of the short comments I addressed to the Assistant Attorney General Mr. Charles A James at the beginning of January. As one of the consumers we hope that finally the case of Microsoft will be settled, in order to continuing enjoy the improvements in the technology that we are witnessing in our daily life. We fill it is vital that the company, together with the others in the sector, dedicate more time and resources to increase the value added that our Country so badly needed, especially during this period of slow down.

We hope that the conclusion of this case will also avoid other futile actions, as the one we just read in the newspapers about a new legal suit advanced by Aol Time Warner, through Netscape. This settlement that is in the public interest should discourage any future actions that attempt to solve in the courtroom their problems. We thank you for your attention.

Respectfully,
Francesco P. Gallo
CC:Francesco Gallo

MTC–00025037

From: J. Warner
To: Microsoft ATR
Date: 1/25/02 4:47pm
Subject: Microsoft Settlement

I'm hoping the right decision is made and future unlawful practices are deterred. But it appears that Microsoft has been able to side step their unlawful practices, in the past, and continue work as normal. They continue to try and control all computer operating systems and to deter any alternative systems. The proposed Educational solution was just another example of their controlling their destiny. This would have been no punishment for them. It was their way to dominate the Educational market, besides their continued domination of the business and home computer markets. (Also their continued efforts to control the internet.) I'm writing to let you know I appreciate you letting me express my opinions, on the matter, and hope all factors are taken in to consideration. I believe Microsoft has a choke hold on the computer world. If they are not made to let go of that grip, one day it may be to late and we will all pay dearly. Thank you again for your attention.

J.P. Warner

MTC–00025038

From: Robert Calhoun
To: Microsoft ATR
Date: 1/25/02 4:43pm
Subject: Microsoft Settlement

This is in response to the request for Public Comment regarding Civil Action 98–1232 (CKK), United States of America vs. Microsoft Corporation. I do not agree with the proposed settlement. I do not think that the remedies it provides will prevent Microsoft from continuing to abuse its monopoly power in the field of computer operating systems.

About me: I am a professional software developer. I develop custom software primarily for users of Microsoft operating systems. I use development tools sold by the Microsoft Corporation and by National Instruments. I also use and write software for the Apple Macintosh, primarily using development tools provided by Apple Computer.

I have used and programmed microcomputers since 1983. I have used and written web pages for the World Wide Web since 1993. My use of this technology predates Microsoft's interest in it, and this has an influence on my comments. I have a strong belief that the World Wide Web should be based on open standards which allow any software developer to write a browser which allows the user to experience the World Wide Web fully. My specific suggests on the remedies follow my comments on the complaint.

On the complaint: The Government's 1998 complaint is focused on web browsers, specifically on Internet Explorer 4. At this point, Microsoft has released improved versions of their browser, known as Internet Explorer 5 (''IE5'') and Internet Explorer 6 (''IE6''). The so-called ''browser war'' is essentially over, with Microsoft Internet Explorer substantially obliterating the competition from a market-share point of view. (Recent browser usage statistics from TheCounter.com show IE5 has the largest share, at 64%; combined statistics for IE4, IE5, and IE6 top 90%.)

If anything, the Government's complaint underestimates the efforts that Microsoft has taken to reach this outcome. A large part of the problem is the significant amount of time that has elapsed since the complaint was filed. Much of this delay is due to requests for stay and appeals that Microsoft has made. I believe that Microsoft has attempted to delay resolution of this complaint until the political winds changed in Washington, or until the issue became irrelevant. Both have occurred.

Microsoft is clearly capable of writing a best-in-class browser. Microsoft's browser for the Macintosh, IE5 for Macintosh OS 9, is arguably the best browser on any platform. It combines reasonably good standards adherence with significant user-interface enhancements. Apple now ships this browser with every Macintosh. While the browser is certainly very good on its own merits, it has been suggested that Microsoft required Apple to make IE5 the default browser in order for the development of Microsoft Office for the Macintosh to continue. I do not know if such allegations are true, but they are worrisome.

IE5 on the Windows platform also impressive features. One of the most impressive, especially compared with Netscape's offerings, is its rapid launch speed. IE5 simply demolishes the later versions of Netscape Communicator in launch speed and memory footprint.

This rapid launch speed is partially the result of the fact that many parts of IE5 are now built in to the Windows operating system. Not only does IE5 make great use of these specialized operating system components, several software components which are essential for operation of non-browser software are installed as part of the Internet Explorer 5 installation process. Nowhere is this more clear than in the nature of the ''file browser'' used in Window 2000. This browser is essentially the same software as IE5.

One is called ''Explorer.exe'' and one is called ''IEXPLORE.EXE'', but these two applications have so much in common that it is possible to surf the Web with Explorer, or investigate files on a disk drive with Internet Explorer.

It is a well-known fact to software developers that many strange and inexplicable problems with deploying projects that make use of Microsoft's ActiveX technology are solved by the installation of IE5. I do believe that Microsoft is correct when they declare that Internet Explorer is fundamental to the functioning of the Windows operating system. I also believe that they deliberately created this situation. Microsoft has made IE5 an integral part of the Windows operating system, to the point that it Internet Explorer now has its own section under ''Internet Explorer: Platform SDK [Software Development Kit]''. IE5 is Microsoft's recommended ''container'' for testing component software using Microsoft's ActiveX interface, and it is at this point 100% necessary when developing certain (non-browser) software on the platform. A World Wide Web full of web pages designed to be viewed with Internet Explorer is a difficult place for the users of other browswers.

I feel I need to make it clear that I don't have a problem with Microsoft adding web capabilities to the core of the Windows operating system. I am not against Microsoft innovating in this area nor in any other area of software development. Certain features (accessing Web pages, parsing the HTML language used to write them, etc.) are relatively low-level functions that arguably belong in a modern operating system. Microsoft has added many, many other operating system technologies (DirectX, NetShow, Windows Media) which also give the end user a richer experience and make it easier for developers to write software for the Microsoft Windows platform.

Where I disagree with Microsoft's approach is that they tend to view any software which has a significant, or potentially significant, market as an area in which they should seek a dominant market position, and they use their monopoly power in operating systems to achieve this.

The principal approach used is a) add components to the operating system which give the operating system new power and flexibility, b) allowing Microsoft's internal software developers superior access to these technologies and c) giving away technologies for free in order to obtain a dominant market position.

With respect to (a) and (b), Microsoft has at different times claimed on one hand that a ''brick wall'' exists between its operating system groups and its end-user groups, and on the other that customers would suffer harm if the closely coupled operating system groups and end-user groups were broken up into two separate companies. These two statements are mutually exclusive. With respect to (c), Microsoft has argued that free software is in the consumer's best interest. Free software is unquestionably in the consumer's best short-term interest. Sometimes, however, the process is in Microsoft's best long-term interest. As an example, take Microsoft's proposed settlement of the present case with those States which have not signed on to the Justice Department's proposed settlement. Microsoft offered to give refurbished computers and Microsoft software worth a total of approximately $1 billion to the nation's poorest 14,000 school districts. Schools are one of the few markets where one of Microsoft's few remaining competitors in the operating system market, Apple Computer, has a significant market share. The purpose of these free computers and free software appears to be twofold: first, to help students in these poor districts, and second, to ensure these districts make a decisive switch to Microsoft operating systems.

Were it not for Microsoft's monopoly power, I would not be concerned by any of their business practices. The close working relationship between operating system engineers and end-user product engineers is, for example, carried on at Apple Computer and has resulted in the release of highly respected products such as Final Cut Pro (video editing software), to the detriment of the former market leader in this area, Avid. But since Apple Computer does not have monopoly power, it cannot be argued that Apple's 00025038—0003 actions are in violation of the Sherman Anti-Trust Act. It is only because of Microsoft's monopoly power that we must view their business actions in a different, and more critical, light.

In this light, the original 1998 complaint of the Government should be properly viewed as an *example* of Microsoft's anticompetitive practices, rather than a *summary* of Microsoft's anticompetitive practices. The example in the original complaint is no longer relevant, as Microsoft has obtained the market supremacy with Internet Explorer that it desired.

It is too late to correct this: nothing can be done about Internet Explorer's dominance at this point. Rather, the goal of any settlement should be to ensure that Microsoft does not continue to exploit its monopoly power in an illegal and noncompetitive manner. Areas which Microsoft does not yet have market dominance, but which it is currently seeking market dominance comprise the following:

1) The market for streaming audio and video. Currently there are three dominant players: Real Networks's RealMedia, Microsoft's Windows Media, and Apple's Quicktime Streaming. It is generally agreed that the Real Networks product yields the best user experience over unpredictable public networks. Microsoft is currently seeking market dominance in this area by bundling the Windows Media Player with its operating system. This is not always the best experience for consumers; I have found the Windows Media Player to be slow and ungainly for listening to simple .WAV audio files compared with Microsoft's older and less sophisticated audio player, which is no longer available.

2) On-line services: AOL is still the dominant on-line service despite Microsoft's investment in MSN. Microsoft still attempts to increase the use of MSN via a) in-store promotions for new PC owners b) desktop icons for MSN and c) MSN as the default start-up screen for Internet Explorer. If not for these constant promotions and heavy subsidy from Microsoft, it's unlikely that an unprofitable enterprise like MSN would still

exist. AOL allegedly bought Netscape more for the Netscape ''portal'' than for Netscape's software. This is supported by the fact that the AOL browser is based on Internet Explorer rather than the Netscape browser. AOL failed to realize that as the use of the Netscape browser fell to single digit percentages, the value of the Netscape portal (which was the default home page for that browser) would fall accordingly, which it has. Microsoft has argued that AOL's purchase of Netscape suggests that Netscape was actually a successful, viable company despite Microsoft's anticompetitive efforts. Microsoft has also argued that AOL has squandered this asset, and now seeks legal redress for AOL's failure to use the Netscape resources in an effective manner. I cannot really argue this latter point. AOL was unwise to buy Netscape, which was clearly headed for bankruptcy and, whether or not AOL acquired it, a complete exodus of key personnel. AOL tremendously overvalued Netscape as an asset. It overpaid for it, and it has completely failed to use what remained of Netscape's technological assets in a remotely effective way. Just because AOL is dumb does not mean that Microsoft does not have monopoly power, that they did not abuse that monopoly power in the Netscape case, or that they will not continue to abuse their monopoly power in the future. AOL's purchase of Netscape should be viewed in light of the whole Internet bubble economy, which allowed marginally profitable companies like AOL to buy other companies with overvalued stock. In the case of Netscape, AOL got little for its overvalued AOL shares. In the case of Time-Warner, AOL got a lot. The $4.2 billion dollar Netscape acquisition does not imply that Netscape had a fair-market value of $4.2 billion dollars, because no one in their right mind would pay $4 billion dollars in cash for Netscape. 00025038—0004 Microsoft has stated that AOL spent $10 billion for Netscape, but this is incorrect.

3) Database Technology: Microsoft current makes an excellent database server, known as MSDE, available to developers who own Microsoft's development suite, known as Visual Studio. This product is of very high quality, and developers may deploy it free of charge. The goal appears to be to encourage the use of database routines which are compatible with Microsoft's enterprise-class database product, SQL Server. Microsoft also has developed a blizzard of database-interface technologies (ODBC, OLE-DB, DAO, RDO, ADO, and now parts of the new .NET) which the most diligent database provider would have a hard time keeping up with.

I speak as a developer here. I need to use database technologies in my Microsoft Windows-based applications, and I use MSDE. It's free, it's fast, and it works well with Microsoft's ADO layer, since Microsoft wrote ADO, the OLE-DB layer that ADO calls, and the SQL-Server layer at the bottom.

I doubt that Oracle, IBM, Sybase, and MySQL have the same ability to keep up with Microsoft's changing interface layers that Microsoft's own engineers have.

There are many other examples of areas where Microsoft is currently seeking market dominance. The settlement should be designed to allow Microsoft and other software venders to compete in an unfettered manner without giving Microsoft the unfair advantage of having written the operating system.

Regarding the Settlement:

Sections A–C:

These remedies are focused on preventing Microsoft from retaliating against hardware venders (OEMs) for installing non-Microsoft middleware. The remedies do not prevent Microsoft from installing Microsoft middleware along with the operating system, or at a later time via an automatic download.

In the past, installation of Microsoft software components has often broken competing products that offer similar services. It is not clear whether the behavior is intentional or a result of the relative fragility of the Windows operating system. Usually the end-user's best option is to stop using the non-Microsoft product. Merely preventing Microsoft from retaliating against OEMs is insufficient.

Section D:

This remedy is not enforceable. The Windows API is very complicated. Portions of it could be left undocumented, or provided with documentation which is vague or difficult to understand, and it would be very difficult to prove otherwise. Because the API is so large, it is unlikely that third parties could verify that Microsoft's own engineers used only publicly documented routines in publicly documented ways without a very large engineering effort.

Section J:

Cryptography experts agree that secure cryptographic systems are best built on published algorithms which have a strong mathematical basis for their robustness. This section allows Microsoft to modify cryptography systems, such as the Kerberos system developed at MIT, while keeping the changes 00025038,0005 private. This makes it hard for ISVs to develop products (such as VPNs) which are compatible with Microsoft's offerings.

In General:

The settlement affects only ''Middleware'' This does not address Microsoft's end-user applications such as Microsoft Office, a widely used program with a proprietary file format. This program has been used to influence the actions of Apple Computer and the lack of it on the Linux operating system makes it difficult to use Linux in an office environment.

Microsoft's approach to software development makes heavy use of shared code (''DLLs'') and shared user interface features ''ActiveX controls''. It is possible for Microsoft to write applications which make use of these DLLs and ActiveX controls to create end-user applications that launch very fast and use little non-shared memory. With these objects built in to the operating system, ISVs have a hard time creating software that can match the small installation size of Microsoft applications. While 3rd parties can add DLLs and ActiveX controls to Windows, they clearly can never remove a pre-existing Microsoft component, which might cause the OS to break. This provides Microsoft with a significant advantage.

The settlement does not address publication of the proprietary networking protocol SMB/CIFS, which any competing operating system must support in order to network with Windows computers. Although Microsoft calls this the ''Common Internet File System'', it is undocumented. The settlement will be difficult to enforce. Microsoft violated the previous consent decree which was supposed to prevented it from charging OEMs for Windows on a per-machine (rather than per copy of Windows) basis. Nothing was done to Microsoft for violating this consent decree. A simpler solution would be to break Microsoft into two or more companies, one of which would own the Windows operating system and its successors, and one of which would own end-user applications. This approach worked well with Standard Oil and with AT&T. AT&T's situation was vastly more complicated than a Microsoft split would be because of the physical infrastructure involved and the overly specific way the settlement was written. In contrast, IBM was never split up. The IBM consent decree dragged on and on, providing a restraint on IBM's activities and hurting its international competitiveness. I do not want Microsoft's international competitiveness to be damaged. But I do not want them to become the only viable vender of software for large markets.

Microsoft could be split into two companies fairly easily. Both companies could compete, both companies could be successful, and both could have high stock prices. This is the easiest way to ensure that Microsoft provides a level playing field for non-Microsoft software developers.

Sincerely yours,
Robert B Calhoun
Qwerta Corporation
249 Elm St
Oberlin, OH 44074 00025038—0006

MTC–00025039

From: Nathan Myers
To: Microsoft ATR
Date: 1/25/02 4:04pm
Subject: Microsoft settlement

Following are my comments on the court's settlement with the convicted offender, Microsoft, Inc.
Nathan Myers
Placerville, California.

1. It appears to me that all the proposed settlements treat the company as if it had not yet been convicted. Worse, they ignore the company's prior history of consciously circumventing the spirit and letter of court orders. This is a company whose officers have frequently denied the authority of the government to control its abuses. For the outcome of this case to be useful, it must not only prevent the company from harming the nation further, it must demonstrate to Microsoft and others that the law does have teeth even where a large and wealthy corporation is involved.

2. The main public reason for limiting the severity of a sentence has been to avoid driving the offender entirely out of business, harming its employees, existing customers, and stockholders. With Microsoft's monopoly profiteering unchecked lo these many years, it is equipped with tens of billions of dollars to help it ride out any temporary inconvenience, regardless of severity. I see no

practical need to mute the terms in order to allow the company to continue operating. It can afford almost anything, for years.

3. All the proposed settlements I have read were complicated and hard to administer, which probably would result in both successful circumvention and further litigation. Simplicity is essential. Furthermore, the burden of proof that the company is faithfully abiding by the terms must be on the company, not on the government(s) or the company's victims.

4. The primary means by which the company has been able to cement its monopoly has been through enforcement of exclusionary contracts. One effective means of limiting its power would be to specify broad conditions under which courts are directed to rule against the company in disputes, despite contract terms or court precedents. (The company's monopoly and deep pockets inevitably tilt the scales, despite any settlement terms; the court should artificially tilt them back.)

5. Another means by which the company has excluded competition has been to limit access to preferential prices to those who obey it (contract or no). This mechanism should be made unavailable by requiring that all products be available to anyone at a fixed price, regardless of circumstances, with no permission to tailor a product for a particular customer. Even volume discounts tilt the field against smaller competitors; the company has no immediate need to charge smaller customers more.

6. The company has used its control of details of its products'' implementations to exclude competitors. It does this both by changing existing products in undocumented ways to make them incompatible with competitors'' products, and by keeping details of new products secret. Forcing the company to publish freely all details of the external behavior of their products—their ''APIs'', ''protocols'', and ''file formats''—would reduce this threat. (Note that exceptions for ''security details'' have already been proven unnecessary and actually harmful to security; given such an exception, critical competitive details could easily be concealed.) The company should be prevented from releasing products until the completeness and correctness of the documentation has been established, so it has incentive to document well.

7. The company has eliminated competition by purchasing control of smaller companies that threatened to develop market share in areas it hoped to dominate. The company should be prevented from acquiring control of other companies, and should be forced to sell off subsidiaries and divisions that would place it in new markets.

8. The company has acquired a large portfolio of patents which could be used as an alternative means to exclude (at least smaller) competitors. While they appear not to have used this mechanism much yet, once other avenues of exclusion are forbidden the company will be tempted to exercise exclusionary patent rights. These patents should be released into the public domain immediately.

9. Much of the company's ability to attack markets comes from its cash reserve. This should be placed in escrow, and cash metered out for individual expenses once it is determined that they do not contribute to monopoly dominance.

10. The penalty for failure to perform up to the terms of the final settlement should be the wholesale loss of trade secret and copyright status for the affected product(s).

11. Those company officers who lied under oath and falsified evidence should immediately be prosecuted for perjury and obstruction of justice.

MTC–00025040

From: Dave Howe
To: Microsoft ATR
Date: 1/20/25 4:48pm
Subject: Microsoft Settlement

Hello:

If you want to fine them a billion dollars then fine them a billion dollars not equipment in kind or refurbished computers. Software CD's cost less than $ 1.00 with overheads fully accounted for. Add a $2.00 book and it's sold by M/S for between $100—$500....''Give'' it away and take a tax write off for half...what kind of penalty is this. Refurbished computers are worthless, my old computers won't run squat and no one wants them. Plus the ''free'' runs out and then you let them start charging for service??? If I could get the Government to help me gain a huge hunk of market share with a positive payout in 3 years I'd do it also regardless of what you called it..

Take the cash and get a penalty with teeth NOT dentures.

MTC–00025041

From: Patricia Riendeau
To: Microsoft ATR
Date: 1/25/02 4:49pm
Subject: Microsoft Settlement

My commnets:

I believe that the terms of the settlement are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Patricia A. Riendeau
Shareholder

MTC–00025042

From: Robert Crull
To: Microsoft ATR
Date: 1/25/02 4:48pm
Subject: Microsoft Antitrust Settlement
Robert John Crull
400 Breckenridge Dr. #4
Huntsville, Al 35802
Attn: Renata Hesse
Trial Attorney
Suite 1200, Antitrust Div.
Dept. of Justice
601 D St. NW
Washington, DC 20530

Dear Sirs:

As a US citizen I am going on record as being opposed to the proposed anti-trust settlement with the Microsoft Corp. It is inadequate to punish them for past monopolistic practices and will not prevent them from engaging in future anti-competitive activities. Any fair settlement that protects the rights of the consumer and a strong competitive US economy must do two things:

Microsoft must be forbidden from entering into exclusive agreements with computer hardware vendors that forbids those vendors from selling computers with non-Microsoft-based computer operating systems. They must also be forbidden from entering into agreements that, while allowing computer vendors to place alternative operating systems on their hardware, require that the Microsoft OS always be the primary boot-up operating system.

Microsoft must be forced to publish all the data required to allow non-Microsoft programmers to write applications that interact with the Microsoft computer operating systems. There can be no secret or hidden access to the Microsoft operating system that only Microsoft applications writers are aware. Such hidden code gives the applications division at Microsoft an unfair advantage in writing their software.

Thank you for your time and consideration.

Sincerely,
Robert John Crull

MTC–00025043

From: HTOPILOWMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:48pm
Subject: microsoft settlement

Dear Sir:

As a daily computer user, both at home and in my medical office, I have benefitted greatly from the software produced by Microsoft. It is inexpensive, easy to use and makes work and play easier on many different fronts. I strongly urge you to terminate the ongoing legal harassment of Microsoft and settle the case based on the agreement already negotiated by the DOJ and Microsoft. This will benefit consumers like me who want new and better software from Microsoft and do not want to see the Company spending its money and time defending itself from frivolous suits initiated by its competitors who now have the 9 remaining states as their hired goons. Thank you.

Harvey W. Topilow, MD

MTC–00025044

From: Chris Holt
To: Microsoft ATR
Date: 1/25/02 4:52pm
Subject: Microsoft Settlement

Take the settlement with Microsoft.
Chris Holt
1450 North 1st St. #80
Salinas, CA 93906
831–444–6396

MTC–00025045

From: Gene Coussens
To: Microsoft ATR
Date: 1/25/02 4:52pm
Subject: Microsoft Settlement

I volunteer at a high school where I am trying to keep 30 computers running for the students. My experience with MicroSoft (MS) has been extremely difficult and at times I could not run the required software.

Security of software: MS has no protection against students changing the operating system and application programs unless you

purchase the professional version which is extremely hard to maintain. Using another operating system (Linux) the task would be trivial and the software would be secure. Since MS has a monopoly, the application software is only available to run under the MS operating system.

Cost: MS requires licenses for each machine, for a connection to a server, a server license, and licenses for each application that is contained in a computer. The system is designed to maximize the number of licenses because you cannot run an application on the server (central computer) and get the results on the client (the users computer). Each machine must be a full system, on other operating systems one can run applications on the server and view the results on a stripped down machine in front of the user. All of the software for the other system is FREE. Each computer in our school has more than $150 worth of licenses again because MS has a monopoly and prevents software vendors from offering the same material on other operating systems. Because MS updates their software every two years we spend about $75 per machine each year, we call this the MS tax. If vendors try to offer their software on other operating systems MS will not license their application on the MS system.

Ease of Maintenance: MS has been patching together an operating system based on a poorly designed core of software which has been updated every two years. Some application software will run only on some versions of the operating system and not on others. This makes a tangle of application software and different versions of the operating system on different machines. Keeping track of which program is where is very time consuming. On other operating systems there is a slow evolutionary migration of the software which does not require frequent updates and the system appears almost seamless and it is quite stable.

XP Version of Office: MS has changed the licensing method and cost for the new version of Windows. Instead of bulk licensing for schools they now require that we keep track of each license separately. A machine description and the individual license assigned to that machine is registered with MS and we are not allowed to change parts of the computer without contacting MS for a reactivation of the license. This is method of forcing us to get permission to change configuration on our own computers is draconian in nature and we will do without rather than submit to these conditions.

The settlement that is proposed does nothing to prevent the company from proceeding with these practices. Far from preventing abuse this settlement says that the company is correct and is free to find even more ways to fleece the public.

The settlement that the remaining litigants are proposing is a far better agreement for protecting the public. In essence the MS operating system is now a standard imposed upon the industry and should be treated as such rather then the private domain of one company. The settlement proposed by the remaining states creates fair and open standards that will allow the application software companies to write software for the other operating systems, we can then give the end customer some choice in which system is best for their application.

Respectively,
Eugene Coussens
retired Engineer, Hewlett Packard.

MTC–00025046

From: BunBunjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:53pm
Subject: Microsoft settlement

Please settle this case now. My recommendation is that everyone should just walk away from it all.

Jim Landfield
Tel 703–734–0840
FAX 703–790–9049

MTC–00025047

From: lowilliams
To: Microsoft ATR
Date: 1/25/02 4:54pm
Subject: Litigation

Sirs

I have used computers since the sixties. I have worked with IBM operating systems, UNIX, DOS, and today use MICROSOFT Products. In the early days IBM tried to keep everything proprietary to their systems. For a number of years they were successful. For a while in the seventies the DOJ talked about breaking them up, fortunately nothing came of it. Then IBM became arrogant and figured that no one could ever compete with them. Their positions aided in the demise of Control Data and Univac. Then DEC came along with their smaller VAX but more capable systems using UNIX for technical computing. DEC greatly reduced IBM scientific computing business. Their place in the sun lasted until the mid eighties and then they in turn faced effective competition from HP. HP now holds a major part of the technical computing market. There were dozens of other companies that competed unsuccessfully for this market. IBM created MICROSOFT when they decided the IBM Personal Computer was never going to become big business. They let Bill Gates write the operating system. There were other small computers based on the INTEL, ZLOG and MOTOROLA single chip processors that used several other operating systems. In the early PC days I used a Radio Shack Model 4 (Z-80 processor) with an operating system the name of which I can no longer recall. All this is just to show that companies come and companies go.

With free trade, MICROSOFT will probably be strongly challenged by an Indian or Chinese software firm some time in the next 20 years. The challenge will not come from AOL unless they spend their time and brain power in trying to make a better operating system, browser or what ever and beat MICROSOFT in the market place.

MICROSOFT has created and enforced order out of chaos to the benefit of all humanity. Take word processing as an example. Since the early eighties I have used: ''Run Off'' a Digital Equipment product, ''Scripsit'' a Radio Shack Product, ''Wolkswriter'' a ? product, ''Word Star'' a ? product, ''Word Perfect'' a ? product, and ''MS WORD''.

With most of these other programs digital files were not compatible between computer systems or word processing programs. Today with MS WORD I wrote a book, with text and significant art, and sent it to my publisher in England in WORD format. The publisher can use it for the book without any conversion.

From a users standpoint MICROSOFT products should be ubiquitous. One of the advantages the United states has over Europe and many parts of the world is the fact that 280 million of us speak about the same language. The world of personal computers should also speak one language and until the Indians or Chinese invent a better one, let it be MICROSOFT.

The current agreement reached by the DOJ and MICROSOFT is a good one and should be implemented. Further suits by AOL and the other states should be ignored as frivolous. the Judge should tell AOL to compete on with better products rather than trying to get the government to restrain their competition.

Laurence O. Williams
1059 Oakwood Drive
Alliance, Ohio 44601
330 829 2963

MTC–00025048

From: Joe Parrette
To: Microsoft ATR
Date: 1/25/02 4:56pm
Subject: Microsoft Settlement

Dear Sir or Madam:

The settlement should be vacated and rewritten because of Microsoft's recent billing practices. They have become so onerous that only a monopoly could hope to survive. You have not done enough to disassemble this giant of business. Just look around at their liscensing practices for businesses.

I am sorry I did not have more information to give you but this is just a quick note and reflects a recent change in my stance on this settlement. Up until a few weeks ago I really thought you should stop bothering MSFT but no more.

Thank you for your time.
Joseph Parrette

MTC–00025049

From: Charles Myers
To: Microsoft ATR
Date: 1/25/02 4:57pm
Subject: Microsoft Settlement

I think it would be beneficial for the entire country to settle this case as soon as possible.

Sincerely,
Charles L. Myers, D.V.M.

MTC–00025050

From: prc@duke.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 4:58pm
Subject: Microsoft Settlement

It is my opinion as a citizen of the United States of America that the proposed settlement of the Microsoft Antitrust suit is a bad idea, and that it does not prevent further monopolistic abuses by the company. The best way (in my opinion) to resolve Microsoft's monopoly status is to break the company into several pieces.

History has shown that dividing monopolies brings greater value than allowing them to remain intact. As examples, look at Standard Oil and AT&T—in the long term, these resulting multiple-company systems resulting from each breakup were worth more, paid more taxes, and employed more people than either company ever would have on their own.

Shareholders in these enterprises benefited as well from this growth—the value of their shares soaring as the individual companies competed against each other.

Finally, because of the increased competition that was possible against AT&T and Standard Oil, even more economic growth could be experienced by the nation as outside competitors were able to grow as well.

Thank you,
Patrick Campbell

MTC–00025051

From: John Tanzillo
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Microsoft Settlement

Please complete this action as quickly as possible. The whole process has taken too long. Whichever way it goes is fine with me, just end this legal mess quickly.

Thanks.

MTC–00025052

From: John Carothers
To: Microsoft ATR
Date: 1/25/02 5:59pm
Subject: Microsoft Settlement: split the company

Greetings-

I am writing to ask that you deal severely with Microsoft in the settlement process, as they clearly are a monopoly. Their market share of operating systems must be well over 90%. If that isn't a monopoly what is? This has been the case for over a decade. If that isn't a monopoly what is? They have unfairly come to dominate the web browser market as well with hard-ball tactics, yet many who have suffered dare not criticize them lest they suffer further. If that isn't a monopoly what is?

Please bring competition to the market—don't let them ''pay'' by giving away their software free and thus further establishing their monopoly. Split the company up!

SIncerely,
john carothers
Dr. John H. Carothers
Biology Instructor
Cabrillo College
Aptos, CA

MTC–00025053

From: Wayne Minor
To: Microsoft ATR
Date: 1/25/02 5:00pm
Subject: Microsoft Settlement

I wish you would stop harrassing Microsoft. I use their products because they are the best value for the money. If you ask me, Apple is a monopoly— you can only use their software on their hardware. But if apple was so good, everyone would use it. Anyway, I think my Justice department has better things to do than try to bring down microsoft. God bless america, you can build a company from nothing to something, and then your enemies can whine to the government to bring you down. Netscape lost out by having a poor product. Oh well.....

Wayne Minor
Alcoa, TN 37701

MTC–00025054

From: Donna Aldinger
To: Microsoft ATR
Date: 1/25/02 5:00pm
Subject: microsoft settlement
4074 N Gelding Drive
Prescott Valley, AZ 86314
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent settlement in the antitrust case between the US Department of Justice and Microsoft. First, I do not think my rights as a consumer have been infringed upon. Second, I think that Microsoft has not acted as a monopoly. They have consistently delivered quality products and have not taken unfair advantage of pricing.

Microsoft has agreed to terms that go beyond the issues in the lawsuit. Microsoft must disclose internal interfaces and protocols within Windows, as well as grant computer makers broad new rights to configure Windows to actively promote non-Microsoft products. Microsoft has agreed to the terms in the settlement to bring a close to the litigation. The settlement is in the best interests of the IT sector, the economy, and the public. The alternative is further litigation that is costly to our nation.

Please finalize the agreement and close the case as soon as possible.

Sincerely,
Donna Aldinger

MTC–00025055

From: Julian Dwyer
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to voice my thoughts on the Microsoft antitrust case. It seems amazing to me that the punishment for Microsoft, who has acknowledged monopolizing the marketplace with their operating systems and their browser, is for them to supply schools with grants and more computers with their OS and browsers on them. What has become of the Judicial Branch of the United States ?!?! How is this compromise acceptable? Why is it the AT&T has to split up based on government and Federal Court rulings, when they as far as the public knows were not as manipulative in their business practices as Microsoft?

As I write this email, I am using Microsoft software— because it is what Microsoft dictated to Apple that it made the default software. It is good software, but there are several other software vendors that make great email clients that will never be popular because they don't have the muscle of a giant like Microsoft, and can't get a foothold into the market because of that lack of power. I am an avid user of the Apple Macintosh. My entire office uses Apple products. Most of my friends do. We use it because it is a better computer, a better operating system. We use Office for Mac because EVERYONE else uses it— and we need to share files with our clients. If it were up to me, I would probably still use Word— although there is scant competition on the Mac platform, because it is a good product. At least I would have made that choice based on myself and not what I was forced into, as we are now. That it the difference.

The Court has a major role to play in it's rule in delivering a verdict that is amenable to the American people. We have already been disappointed in the Court's deciding of the Presidential Elections. Bear in mind, that I am neither Liberal nor Conservative, Democrat nor Republican. I am, like many Americans a believer in the ''American Way'' and always searching for Truth and Justice—in its purest form.

Microsoft will never change its business practices unless the Government of the United States, in particular the Department of Justice, does something that ensures that the American people have a choice, a real choice. Do what's right, stop the monopoly. Punish them justly and accordingly.

Thank you,
Julian Dwyer,
Senior Art Director
AD-TECH Communications, Inc.
215 S. 21 Avenue
Hollywood, FL 33020
Tel: 954.923.1600
Fax: 954.923.9005
http://www.medadtech.com

MTC–00025056

From: Stewart Jenkins
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Comments for **Federal Register**

From Webster's Revised Unabridged Dictionary:

Punishment \Pun'ish*ment\, n. Severe, rough, or disastrous treatment. [Colloq. or Slang] 2. Any pain, suffering, or loss inflicted on a person because of a crime or offense. 3. (Law) A penalty inflicted by a court of justice on a convicted offender as a just retribution, and incidentally for the purposes of reformation and prevention.

As defined, Microsoft has not been punished as a result of being found guilty. Microsoft was found guilty of violating both sections 1 and 2 of the Sherman Act. It is unfathomable that the winner in a case, the United States government, would attempt to promote a compromise for the punishment. There is no compromise in punishment. Microsoft lost. They are to be punished.

Justice will not be served by hastening a decision that will affect the people of this country or the security of this country and the world. Microsoft should not be allowed to use the events of September 11 to maintain their illegal monopoly under the guise of ''national security''. Expediting a settlement will have no effect on defeating Al Qaeda. Allowing Microsoft to maintain its illegal monopoly, as has been suggested by the proposed settlement, will be to the detriment of our nation's security. In late December

2001, the FBI's National Infrastructure Protection Center warned the American public that using the Universal Plug and Play feature of Windows XP would allow an attacker to execute any commands and take any actions they choose on the victim's computer. Other vulnerabilities exist and are listed on the FBI's web site. Using

Microsoft products actually pose a national security risk. A thoughtful, deliberate punishment should be delivered to Microsoft, expediency be damned. Microsoft's monopoly must not be allowed to continue. The only acceptable punishments should include forcing Microsoft to publish their file format standards. Microsoft Word is the most common word processor used. Once you have a grammar checker, a spell checker, multiple fonts, a graphics processor/ importer, tables, frames, collaboration features and colored text, then what else is there to exploit? Yet, Microsoft introduces a new version of Word every year or so, its sole purpose being to make the previous version obsolete by changing the file format, or the way the text is stored on a computer. If I write a book using Microsoft Word 2000 and save it to a recordable CD, then I carry the CD to my publisher for publication of my book, I must be sure he can read it on his computer. If he only has a license for Word ''97, he can't open the file my book is stored in. The file format changed from 1997 to 2000, even from 1999 to 2000. Text is text, yet at Microsoft's discretion, I cannot use my own creation unless I maintain a Microsoft licensed product. Pretty powerful company, in that they can control how I might access my own intellectual property. Yet a common, or published file format can always be accessed. Others can program competing products to make it possible for me to access my intellectual property on Microsoft operating systems or other operating systems. Microsoft has all the control now.

If anyone thinks Microsoft doesn't want to control the majority of the internet, they haven't been keeping up with the computer industry over the last ten years. Microsoft should be required to publish all current and future internet and networking protocols. If Microsoft does to networking protocols what it has done to document file protocols, we are only a few years away from their being able to control all internet access via their own protocols. They will have a hand in every transaction that takes place over the internet. No money will change hands, no commerce will exist unless Microsoft says so, via their control of the protocols used for internet commerce.

The ability to buy an off the shelf computer system without Microsoft Windows for a lower cost than with Windows should be possible. It currently is not possible. Microsoft operating systems are installed on all consumer grade IBM PC compatible computers. I pay for Microsoft Windows whether I plan to use it or not. If the operating system was sold as off the shelf software, just as all other off the shelf computer software, the customer could then make an informed decision about which operating system would best suit their needs. This would also prevent Microsoft from creating pre-load deals with manufacturers. The customer would commit to the cost of the operating system as a conscious act. Those that don't wish to use Windows could choose an open source or other commercial operating system and would not be forced to pay a Microsoft tax by buying a pre-installed version of Windows that they never planned to use. I currently have licenses for several Microsoft products that I have never used because I could not buy the computer without them. Why do I have to pay this cost? Because Microsoft says I do. —

Stewart Jenkins
Rt.2 Box 147G
Gladewater, TX 74647

MTC–00025057

From: Erick (038) Vielka(a)Home noSpam
To: Microsoft ATR
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

To the DOJ

As a concerned citizen and a person who makes a living with computers I feel an obligation to send you a comment on the Microsoft settlement. To the point, It is unjust. Microsoft was found to be a predatory monopoly. They still will admit no wrong. Their track record shows that they will not abide by the letter or spirit of this settlement. You seek to place certain people as ''watchdogs'' over Microsoft yet you cripple them with non-disclosure. Personally I am not a big fan of breaking up Microsoft. However letting them retain all of their code as secret and sacred without prohibiting them fro adding additional ''functionality'' is a free ticket for more them to continue as they always have. At the very least you must force them to document and disclose their api's this one action will allow others to start to compete on a fairer playing field. What your about to do is sentence everyone to continue to be unable to start to provide an alternative and build a business on it. Microsoft claims that Linux is competition. In many ways this is almost true. However because of Microsoft's history of co-opting creative peoples work changing it just enough and then adding a feature to their os the Linux community has been forced to adopt the GNU license. This means that most development is done for love and not money. This issue frightens many companies that would like to develop and market software to stay away. Microsoft will either steal their idea and put them out of business change their API's to not work with your software and cause you millions in bad press and development. Thanks for listening, please stop this embarrassment of a settlement from going forward. It is anti-competitive, it allows Microsoft to continue all of it's illegal practices, and it is plain unjust.

Sincerely
Erick Jones

I am a registered voter, I do vote, And I have a long memory

MTC–00025058

From: Stacey Barrett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:56pm
Subject: microsoft settlement

It seems obvious that this settlement is not going to solve the problem of Microsoft's monopolizing ways. If anything, it just seems that justice can be bought. THIS SETTLEMENT IS A BAD IDEA!

MTC–00025059

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:04pm
Subject: Microsoft Settlement

I spent the majority of my professional career in the nuclear industry (feed materials, plutonium and tritium production) working for AEC prime contractors. As the PC made its debut, we all had the opportunity to test the software developed by Microsoft. Did we like it? You had better believe it! The early word processing and data base programs were a delight. As we moved into retirement, the Microsoft software was even better and we are all in unamimous accord that we wish Microsoft had come to us sooner.

Don't stifle progress. Support Microsoft for what they have contributed to our society ; for what they have done for our kids and grandchildren and others'' parents and grandparents.

It seems the major opponents to Microsoft's success are its competitors who can't compete with Microsofts'' capability and ingenuity.

Arthur E. Guay
Reno, NV.
(775) 852 1074

MTC–00025060

From: adauria@colesys.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

As an IT profession and technologist I strongly object to the government's persecution of an industry leader. Our industry naturally determines a dominant player in a partcular area. Nonetheless, it is very competitive without the overbearing hand of government because of the rate at which technology moves and new dominant players are selected.

Leave Microsoft alone. The case is wrongly motivated (unfairly protecting competitors and hurting consumers) and will only hurt the industry and the American economy.

MTC–00025062

From: bob@bob.usuhs.mil@inetgw
To: Microsoft
ATR,bob@bob.usuhs.mil@inetgw
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

As a programmer for 30 years, a University professor for 20 years, and now as a faculty member in a department of Medical Informatics, I would like to comment on the Proposed Final Judgment (PFJ) in United States v. Microsoft. I know that many of my collegues have written to you with detailed explanations about how the PFJ will allow Microsoft to continue to exercise effective anticompetitive conduct that continues its monopoly. I have read some of them. They are accurate and well argued. I urge you to read the message sent to you by Dan Kegel.

I strongly support his view. Much of the PFJ has been crafted in such a way that it allows Microsoft to get around most restrictions, and many important restrictions are missing altogether.

A software engineer can see this where perhaps a lawyer cannot. For one small but potent example, nothing in the PFJ requires Microsoft to release information about file formats. Note that undocumented Microsoft file formats form part of the Applications Barrier to Entry (''Findings of Fact'' paragraphs 20 and 39). Why was this omitted?

There are more agreggious problems with Microsoft's behavior that are not addressed by the PFJ. For example, Microsoft ''encourages'' rumors that WINE, a program that runs under the Linux operating system and allows Windows programs to run under Linux, violates Microsoft Patents. Just what patents those may be has never been revealed, but this rumor has cut off funds and development that would have gone to the support of the WINE project. Microsoft does not promote the best technology.

It innovates by buying up it's competition when it can, and by overwhelming it's competition with inferior substitutes packaged with Windows.

The Proposed Final Judgement is not in the public interest and should not be approved without substantial repair.

Dr. Robert Williams

The opinions expressed herein are those of the author and are not to be construed as representing the USU, the DoD, or the U.S. Government in any way.

MTC–00025063

From: Rob LaRiviere
To: Microsoft ATR
Date: 1/25/02 5:04pm
Subject: My Opinion,

My Opinion,

MFST is still allowed to create new interfaces or modify existing interfaces in thier operating system before release without publication. This allows all internal applications, like Office apps, to utiltize these interfaces before anyone else has access... Giving the applications done by MFST a head-start.

Rob

MTC–00025064

From: David Cole
To: Microsoft ATR
Date: 1/25/02 5:02pm
Subject: Microsoft Settlement

I think the proposed settlement is a veeeeeeeeery bad idea

It makes Microsoft's bad biz practices profitable.

It doesn't prevent bad behavior, anymore than another promise from a fox to not eat any more chickens.

David Cole
Concerned U.S. citizen
CC:0 David Cole

MTC–00025065

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:05pm
Subject: Microsoft Settlement
Sandra Walker
229 Lee Street
Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
Sandra Walker

He who ignores discipline comes to poverty and shame, but whoever heeds correction is honored.Proverbs 13:18, NIV

MTC–00025066

From: arctophile@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:05pm
Subject: Microsoft Settlement

I wish to strongly defend Microsoft's actions in the marketplace and encourage those involved to minimize if not eliminate the penalties being assigned to Microsoft in the current settlement being proposed. Thank you for your time and attention.

Adam Schmidt
WebTone Technologies
Atlanta, GA
CC:arctophile@msn.com@inetgw

MTC–00025067

From: david shaner
To: Microsoft ATR
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing regarding the Microsoft Settlement.

Before getting some things off my chest I want to say that the Settlement penalizes Microsoft far more than either is necessary or deserved. If in the end you decided that Microsoft has to much say in contracts then your Settlement is more than enough to correct the situation and so just get the thing done. It is enough. The truth is that the case was never about Microsoft having too much power or even a monopoly; this case was never about truth or justice or even law. This case was always about a few competitors (for the most part competitors who were largely unaffected by Microsoft's contracts with OEMs) abusing the power of the state to protect markets, their overinflated prices and generally prevent Microsoft from competing with them. The law and the American legal system were used as a tool to attack and attempt to destroy a competitor. I cannot tell you how disgusted I was to witness what occurred in this case. What was evidenced is that law in this country is handmaiden to powerful politicians and popular culture. I hope to God I never get dragged into a court of law in this country because the truth is that if the judge doesn't like me the truth won't matter; the truth is that if there is political gain to be made by hanging me, the truth won't matter and I will be hung. Nine states have not agreed to the settlement because Scott McNealy and Larry Ellison and their ilk don't want the states to settle. Nine states have not agreed to the settlement because a few self-serving politicians think they can gain more power by not settling. There is absolutely nothing in their decisionmaking about an adequate settlement or a settlement that best serves consumers. Please salvage some respect for American Law and our justice system. Please show that antitrust law is at heart for consumers not for the few corporate creeps to hide behind when their ineptitude leaves their companies in danger of failing. Please just get the current settlement signed.

Sincerely,
David J. Shaner

MTC–00025068

From: Dan Rose
To: Microsoft ATR
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my dismay—or more accurately, utter disbelief—at the Justice Department's proposed settlement in the Microsoft antitrust case. I urge you to reconsider.

The essential problem with the settlement is that it offers no punishment for the years of antitrust violations found by three federal judges. It offers only some weak guidelines for future behavior. This is equivalent to having a trial for a bank robber, finding him guilty, and then sentencing him to being nicer next time he robs a bank.

I have been working with computers and as part of the computer industry for over twenty years. I have been a programmer, a student, a researcher, a manager, and the Chief Technical Officer of a company. I have worked for Fortune 500 companies and 3-person startups. I have a Ph.D. in Computer Science. I have used all sorts of computer operating systems dating back before Windows even existed. I have used the Internet for years, long before the World Wide Web was created. So I think I have a pretty good perspective on how the industry has changed, and what role Microsoft has played in those changes.

Microsoft has portrayed itself, through advertising (as well as a fake letter-writing campaign) as an innovator flourishing in the free market. This simply flies in the face of the facts. Nearly every one of Microsoft's so-called innovations was either purchased from someone else or simply copied. In the latter case, the true innovators were then put out of business through Microsoft's illegal monopolistic practices.

Here are just a few examples, known to even the most casual student of computer history. Which of these innovations came from Microsoft? MS-DOS, the operating system Microsoft provided for the original

IBM PC? No, that was created by Seattle Computer Products. It was originally called QDOS (for ''Quick and Dirty Operating System'') and was hurriedly bought by Microsoft after Bill Gates learned that IBM needed an operating system for its new PC. Gates told IBM that he had an operating system, then quickly went and bought one. The spreadsheet? No, that was VisiCalc, invented by Software Arts and later perfected by Lotus's 1–2–3.

The modern word processor? No, there were many others, such as WordPerfect, before Microsoft Word.

The ability to network PCs? No, Novell and Apple did that long before Microsoft.

The graphical user interface? Hardly; SRI, Xerox PARC, and Apple all developed the ideas that Microsoft used in Windows. The Internet Explorer web browser? No, that was licensed from Spyglass, the company that commercialized the original version of an earlier browser called Mosaic, which was itself developed at a government-funded research center.

In fact, every one of those innovations was invented by another company and was available to consumers before Microsoft was involved. Microsoft's primary contribution to the computer industry has been in putting the true innovators out of business. It's gotten to the point where entrepreneurs avoid certain markets entirely because they fear the wrath of Microsoft.

I am a capitalist, and I believe in the free market. Yet I also believe that when a company tilts the playing field by ignoring the laws that others are following, it must be held accountable. No one can bring back the many companies Microsoft put out of business. But if Microsoft were held financially responsible for the damage it has done, and made to give back its ill-gotten gains, then there would be an explosion of new innovations that would benefit all of us.

Sincerely yours,

Daniel E. Rose

MTC–00025069

From: Paschke, Kellie
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:08pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530–0001
Re: Comments Submitted in Support of the Proposed Microsoft Settlement Agreement

Dear Ms. Hesse:

As Chair of the Iowa House of Representatives Judiciary Committee, I can appreciate how difficult it was to reach a proposed settlement in the Microsoft antitrust litigation. I am pleased to add my voice in support of that settlement, not because I agree with the entirety of the case or every single aspect of the agreement, but because it is time to move on. If accepted by the Court, this settlement will allow Microsoft and its competitors to continue the amazing innovation that has defined the past twenty-plus years while also defining the direction of the government's role in the high-tech industry.

Please continue to urge the Court to accept this settlement, because to do so will bring more certainty to an area of the law that can ill afford to be without it.

Sincerely,

Chuck Larson

MTC–00025070

From: register@washingtonpost.com@inetgw
To: American Atr,Microsoft ATR,ASKDOJ,president@whiteh...
Date: 1/25/02 5:08pm
Subject: A washingtonpost.com article from leederone1@yahoo.com

You have been sent this message from leederone1@yahoo.com as a courtesy of the Washington Post (http://www.washingtonpost.com).

SO, WHAT DO YOU HAVE TO SAY ABOUT THESE BACKHANDED DEALINGS! THE PEOPLE DESERVE AN ANSWER TO THIS!!!!

To view the entire article, go to http://www.washingtonpost.com/wp-dyn/articles/A34746–2002Jan24.html Group Faults Disclosure of Microsoft's Lobbying

By Jonathan Krim

Microsoft Corp. and the Justice Department failed to make key public disclosures in connection with their proposed settlement in the company's antitrust case, an organization of antitrust lawyers and academics has charged. In a complaint filed yesterday with the federal judge handling the case, the American Antitrust Institute said Microsoft did not adequately report its lobbying activities about the agreement, as required by the federal law that governs antitrust settlements. Microsoft reported no conversations or contacts with members of the Bush administration about the agreement, except between lawyers who negotiated the deal, which are permitted. The disclosure law is designed to reveal any improper political pressure that might be exerted on the Justice Department on behalf of a company involved in legal action. Microsoft's report surprised many consumer groups and Microsoft opponents, who have watched the software giant spend upwards of $5 million a year on lobbying in Washington. In particular, Microsoft did not disclose any congressional lobbying in connection with the agreement. The company has said it is following precedent in other cases, in which only contacts with the executive branch have been reported under the law, known as the Tunney Act. The antitrust institute, which opposes the settlement, believes this interpretation violates the law, and hopes the judge will enforce it now. ''The Tunney Act is supposed to be a meaningful statute, providing meaningful disclosures that will inform the public so that it can fully evaluate an antitrust settlement,'' said Albert A. Foer, president of the organization. ''In this, the most important antitrust case of our generation, it is essential that the process be adhered to with care and commitment.''

Microsoft spokesman Vivek Varma said the company's lobbying disclosure complies with the law and ''we are looking forward to court review of the settlement.'' But late yesterday the author of the law, former senator John V. Tunney (D-Calif.), filed an affidavit with the Justice Department saying Microsoft's disclosure violates the intent and letter of the act. ''Congress meant members of the Executive, Legislative, and Judicial branches of government,'' wrote Tunney, now a lawyer in Los Angeles. ''Congress specifically intended to cover communications by officers of a defendant corporation, lawyers of such corporation, lobbyists of such corporation, or anyone else acting on behalf of such corporate defendant. If I had not been satisfied this was the plain meaning of the statute, I, as the principal author of the legislation, would not have pressed the legislation through to final passage.'' In addition to its concerns over the lobbying disclosure, the antitrust institute argues that the Justice Department failed to adequately explain why it limited the agreement to certain sanctions and rejected others that had been pursued by prosecutors in the Clinton administration. Foer said the judge should not rule on whether the agreement is in the public interest until Microsoft and the Justice Department comply with the disclosure provisions. He also said the judge should extend the period for public comment. Microsoft questioned the motives of the institute, saying it has received contributions from Oracle Corp., a Microsoft rival. Foer said Oracle does not influence policy at the institute and is merely one of many companies and organizations that have contributed small sums to it pay its bills. The Justice Department declined to comment on the institute's complaint, which was part of a flurry of activity as the long-running Microsoft case enters a new and more complex phase. The 60-day period for public comment on the proposed settlement is scheduled to end Monday, and both Microsoft and its rivals have been feverishly preparing their views for submission to the court. Trade groups supported by each side have been attempting to generate grass-roots support. In one incident, a telemarketing firm representing pro-Microsoft forces accidentally called one of the leaders of an anti-Microsoft coalition. Gauging public sentiment is difficult, however, because the Justice Deartment so far has declined to make the comments public. A department spokeswoman said past procedures dictate that all the comments must first be collected, and department responses drafted, before the material is submitted to the court and made public. The Justice Department has until the end of February to respond to the comments. After that, it will be up to District Court Judge Colleen Kollar-Kotelly to rule on the settlement. Meanwhile, however, she is scheduled to begin separate hearings on March 11 into whether tougher sanctions should be imposed on the company for violations of antitrust laws. Nine states and the District of Columbia balked at signing on to the federal settlement deal, and are pursuing the case on their own. And this week, AOL Time Warner sued Microsoft directly, seeking damages for its Netscape subsidiary, which was found by courts to have been hurt by anti-competitive acts by Microsoft.

MTC–00025071

From: bobby_fine@entersolve.com@inetgw
To: Microsoft ATR

Date: 1/25/02 5:09pm
Subject: Microsoft Settlement

I am pleased that this is finally coming to an end. We have better things to spend our time AND money on.

Unfortunately, AOL has decided to continue this pursuit. My honest opinion is that Netscape lost its market share because they would not create a browser that complied with standards and ended up frustrating users.

CC:bobby_fine@entersolve.com@inetgw

MTC–00025072

From: Jason Bailey
To: Microsoft ATR
Date: 1/25/02 5:08pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is a bad idea. As a computer user, software developer, and American citizen, I am very unhappy with the terms of the settlement—they are easily met with little financial impact or effect on the way Microsoft operates.

—Jason Bailey

MTC–00025073

From: Lewis Kopp
To: Microsoft ATR
Date: 1/25/02 5:09pm
Subject: Comments on the Microsoft Anti-Trust Settlement

To Whom It May Concern:

I have been involved with computers since the late 70's, having built a MITS Altair 8800 computer, bought an Apple][in '79, and used everything from: a Kaypro ''portable'' computer that weighed around 25 pounds; DEC PDP–11/23's & 11/73's; DEC Vax and Alpha computers, Apple Macintosh computers, various brands of PCs (I was the micro-computer specialist for the Cleveland VA at one time); and so on. Up to the current PC's with Intel Pentium 4 processors and Macintosh G4s. I even have a paper tape backup of MITS Basic that, I believe, was the first product that Bill Gates wrote and sold.

That paper tape also represents probably the last thing the Bill Gates wrote and originated. Since that point he has made use of his true genius as a marketing person and knowing what products to buy or copy to take Microsoft to the point where it virtually totally dominates the market. The courts have finally admitted what most people in the industry with an ounce of common sense have known for years—that Microsoft was, is, and with the current, proposed settlement will always be—a monopoly.

Better products that Microsoft couldn't buy have been slaughtered in the market place by Microsoft's overwhelming advantage of writing both the operating system AND the primary business applications used under that operating system. Microsoft has NEVER had the best operating system, they have simply have one that is generally adequate along with a set of applications that are pretty good. But this combination and their marketing muscle have led to them dictating terms to businesses around the world. Due to the need for data compatibility between computers, people have been forced to use Microsoft products—whether they wanted to or not.

The proposed settlement largely ignores reality and the way people and companies actually work. When a manager's salary depends on how many employees he manages, it is not likely that he will ever pick a product that would reduce the need for his employees. Consequently, Microsoft products are picked and Information Systems departments (especially the support departments) continue to grow. Along the same lines, consultants will rarely recommend a product that would not require them to come back and help train and maintain it. These realities mean that the proposed settlement is largely a farce and will not in any way curb Microsoft's anti-competitive practices. This is evident in the release of the latest version of their operating systems, Windows XP. Now users will basically be required to have an internet connection so that they can register their copy of XP. And this isn't just the first time they use it! No, they have to do this if they make too extensive of a modification to their computer—whether due to upgrading it or replacement of defective components as well as on a yearly basis. And the yearly registration isn't free! Sure, they get upgrades installed automatically during the year, but the upgrades get installed whether or not they want them! As a software engineer, I know that this is likely to be a nightmare for anyone who uses XP. User: ''The computer was working fine yesterday, but now it won't work. I didn't change anything so what happened?'' Tech: ''Well, there's a problem with the latest update of XP for your particular model of computer. That update was installed automatically when you logged onto the internet this morning.'' Microsoft's new initiatives for copy protection of music and movies is yet another example of them using their dominance to dictate terms to the public and businesses. In this case, they may have some assistance from shortsighted Hollywood executives who will do anything they can to make it impossible for the average person to make fair use of music or videos that they buy, even though it doesn't prevent a determined professional from making copies that they can then bootleg and who represent the vast majority of illegal copies.

Personally, I believe that Microsoft should be split into at least two companies—one systems software and one application software. The two companies should not be allowed to deal with each other anymore closely than either would with a third party company. This sort of solution would bring competition back into the marketplace instead of letting Microsoft continue on as they have in the past—which is what they did after the previous settlement and is what they will do if the proposed settlement is put into place. As a secondary issue, the monitoring process proposed would be a waste of taxpayer money as well as being totally ineffective. I urge that the proposed settlement be rejected and one put in place that will prevent the abuses that Microsoft has been perpetuating for so long! The courts have ruled that Microsoft is a monopoly. They should be treated as such and broken up.

Sincerely,
Lewis Kopp

MTC–00025074

From: Rusty Carruth
To: Microsoft ATR
Date: 1/25/02 5:10pm
Subject: Microsoft Settlement

The proposed settlement falls far short of the minimum needed to address the violations of law, while it is a good start. One concern I have is related to the following story: http://www.linuxworld.com/site-stories/2001/0820.austin.html which, among other things, says:

''There is an insidious aspect to a citywide, multi-year plan. It locks users into Microsoft products only. While the Enterprise Agreement doesn't specifically prohibit the use of other products, effectively it does. It's logical to assume that if you're paying for MS Exchange for three years why allow a department to consider an alternative. (Microsoft makes hay of this point in a Word-formatted white paper extolling the Enterprise Agreement.)''

Motorola has apparently entered into one of these Enterprise Agreements with Microsoft, and from the way they (Motorola) are acting, it appears that the no-non-Microsoft-software effect may be more than just a side-effect, as Motorola is on a massive effort to REPLACE perfectly working non-windows (and free) mail (and other) tools with Microsoft's versions. Against the strong objections of those whose tools are being replaced. This indicates to me that Microsoft has made little, if any, change to its behavior. This behavior has resulted in the practices which were found to be in violation of the Sherman Act.

Also, since Microsoft has used ''middleware'' to keep its operating systems monopoly, especially Internet Explorer, it seems that any kind of just settlement must include at least one, and possibly more, of the following remedies:

(1) disallow Microsoft from developing, selling, or buying companies which develop or sell middleware (for a period of, say 7 years from the date of the settlement, after which the limitation will be reduced) (note that this includes .net);

(2) place Internet Explorer in the public domain or otherwise remove it from the suite of Microsoft tools;

(3) place Windows in the public domain or otherwise separate it from the non-OS offerings of Microsoft;

(4) require Microsoft to establish a fund, from which half of the cost of developing/porting software to non-Microsoft operating system(s) would be paid, to a maximum of $500,000 payment. This fund should have some amount of cash up front, with some percentage of Microsoft OS sales price being placed into the fund for some period of years (for example, 10% of the customer sales price would be put into the fund, paid by Microsoft on a quarterly basis, for the next 7 years).

(5) require Microsoft to become more than one company. In any case, the proposed remedy does not adequately address the misdeeds of Microsoft, nor does it even begin to redress the wrongs promulgated against the computer-using public.

I am a computer professional. I write software on Unix systems, and I have been

directly (and very negatively) affected by Microsoft's predatory practices.

Please note that I also support and strongly agree with Dan Kegel's Open Letter, which I will be a cosigner of.

Thank you very much

Rusty Carruth

Rusty E. Carruth Email: rcarruth@Tempe.tt.slb.com or rcarruth@slb.com

Voice: (480) 345–3621 SnailMail: Schlumberger ATE ———

FAX: (480) 345–8793 7855 S. River Parkway, Suite 116 \e/

Ham: N7IKQ @ 146.82+,pl 162.2 Tempe, AZ 85284–1825 V

ICBM: 33 20′ 44″N 111 53′ 47″W http://tuxedo.org/~esr/ecsl/index.html

''Why would anyone choose a tool that is the primary virus vector of the known universe?''—me

CC:rcarruth@tempe.tt.slb.com@inetgw

MTC–00025075

From: GP
To: Microsoft ATR
Date: 1/25/02 5:09pm
Subject: An open letter concerning the Microsoft Anti-trust settlement

To whom it may concern:

I am categorically and diametrically opposed to any settlement with Microsoft corporation that:

1. Fails to severely punish Microsoft for its crimes, and

2. Does not apply the strongest remedies available to prevent those crimes from reoccurring

You must make absolutely certain that Microsoft is forever prevented from ever again using its ill gotten market dominance and vast cash reserves to stifle fair competition and innovation in the U.S. computer industry. The damage already done has been great, but make no mistake—this company continues to use the same methods today that initiated this case. From all indications, it will continue to do so until strong legal action is taken to stop it.

History will look back on this critical case and harshly judge whether our judicial system succeeded or failed when faced with such incomprehensible wealth and corrupting power. If you do not stop Microsoft at this time—and the hour is very late indeed—it will soon complete its stranglehold on all areas of the U.S. computer industry including the Internet and beyond and thus destroy the last great competitive advantage our country retains in the world market. History has clearly proven such rogue monopolies to be intrinsically the enemies of our democracy and free market system. Let this duly convicted criminal monopoly know you recognize it for what it truly is.

Highest regards,

Gary Piland

CTO, VP Interactive

Callahan Creek, Inc.

CC:Gary Piland,skeene@callahancreek.com@inetgw,tjohns...

MTC–00025076

From: FJ660@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:11pm
Subject: Microsoft sttlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania,NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to voice my opinion in regard to the settlement that was reached between Microsoft and the government in November of last year. I feel that this issue has drawn on long enough and that it is time to end this dispute permanently. I support this settlement.

Microsoft has pledged to disclose more information with other companies, such as certain internal interfaces in Windows. Microsoft has agreed to make available any protocols used in Windows operating system that are used to interface with any Microsoft server. These provisions will make it easier for companies to compete. Additionally, Microsoft will agree to be supervised by technical oversight committee created by the settlement.

This settlement will enable Microsoft to get back to the business of technology. I support the settlement, and believe it should be implemented as soon as possible.

Sincerely

Fred Jimeian

MTC–00025077

From: Bud Graham
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Microsoft Settlement

Gentlemen,

Why doesn't AOL wake up and smell the roses and try cooperation once instead of running to the courts.

The consumer would certainly benifit in the long run.

MTC–00025079

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Settlement

I urge you to look in your own offices and see the proliferation of the ''BEST BUYS FOR YOUR MONEY'' on your desks and the desks of your interns, aids, and secretaries. What do you see? INTEL-PROCESSOR- POWERED-PERSONAL COMPUTERS WITH MICROSOFT SOFTWARE Why do you see this combination? You see it because you bought the best. YOU MADE THE BEST BUY! If you need further substantiation of your SMART BUYS, go to the Senate and House offices and you will find the same best-of-breed buys.

MTC–00025080

From: Helen Froyd
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Antitrust settlement between Dept of Justice and Microft

Sirs: This lawsuit has continued long beyond any reasonable time period. Probably because it should have been thrown out before it began. However at the present time the provisions for settlement go far beyond what you deserve and I urge you to accept the settlement without further delay.

Sincerely

Helen Froyd.

MTC–00025081

From: jbendo@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Settlement

I strongly feel that the government should settle this suit and get on with cleaning up the laws controling all industries and standardize regulation on all government department and their personal to assure that they enforce the laws to the benefit of the public not industry self interest.

John Bendokaitis

17182 Eastview Dr

Chagrin Falls, Ohio 44023

MTC–00025082

From: Terry Egan
To: Microsoft ATR
Date: 1/25/02 5:15pm
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 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,
Terrence M. Egan
tegan@ix.netcom.com
Geodesic Tripoint
Cupertino,CA

MTC–00025083

From: joe985@hawaii.rr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Microsoft Settlement

Why is the government wasting their time and our tax dollars by letting AOL get away with this. As anyone wonder why AOL has to sue in order to compete? Could it be that Microsoft has a better product? I think so. I use IE because it is far better than Netscape.

AOL spends its time and money to gobble up all the smaller ISPs such as CompuServe. They want the competition to go away so they don?t have to compete in a free market. I know they are not using the money to improve AOL's infrastructure. I can tell you some horror stories about AOL and their poor service from my own experience and others.

I have always wonder why is Microsoft being accused of being a monopoly while a company such as AOL Time Warner is not considered a monopoly. IF AOL can not survive on it's own without help from the DOJ, then it should be allowed to fold due to it's own poor product and service.

Thank you for reading my views.
Lawrence Ohnheiser
Aiea, Hawaii

MTC–00025084

From: Joseph Kitchenman
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Antitrust Settlement

Mr. Attorney General:

Please advise the competition of Microsoft to stop crying and build a better product! The market place will go with the winner and we all will enjoy their new and wonderful products, as we have done with Microsoft.

This is the American way of business.

When you rip off Microsoft we all lose.

Thank you.

Joseph Kitchenman

MTC–00025085

From: dweist@buckeye-express.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:17pm
Subject: Microsoft Settlement

End this now.

CC:dweist@buckeye-express.com@inetgw

MTC–00025086

From: Karl Klein
To: Microsoft ATR
Date: 1/25/02 4:10pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

It would be a sad miscarriage of justice if the proposed remedy results in the elimination of the one market (education) where MS does not wield complete monopoly power.

The terms of this settlement are completely puzzling to me. How do the terms of this settlement compel Microsoft to change it practice(s)? Please revisit the terms of this settlement and be sure that it does not ''reward'' Microsoft with a complete monopoly in every aspect of computing—including education.

Respectfully submitted,
Karl W. Klein
Instructional Technology
Education Department
PO Box 2000
State University of New York College at Cortland
Cortland, NY 13045
kleink@cortland.edu
607.753.2444 (voice)
607.753.5976 (fax)

MTC–00025087

From: Paul Mugar
To: Microsoft ATR
Date: 1/25/02 5:17pm
Subject: Microsoft Settlement

2 Inez Street
Camarillo, CA 93012
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of this month on whether the proposed Microsoft settlement will benefit the public. I believe it's fine as long as Microsoft is left standing, when it's all said and done. If the nine states are allowed to overturn the agreement and move ahead with additional litigation, it could take another three years and billions in legal expenses all incurred by the consumers and the taxpayers. How is that a benefit? Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. The Company has also 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. From this one could see that Microsoft is more than willing to cooperate in order to resolve this issue.

I urge you to end this now. No more action should be taken at the Federal level.

Sincerely,
H. Mugar
cc: Representative Elton Gallegly

MTC–00025088

From: rbf
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

Dear Ms Hesse,

I would like to comment on the Proposed Final Judgement pursuant to the Tunney Act. The settlement does not deal with software incompatibilities introduced by Microsoft to impair competing products, or with their corruption of open standards to the same end. This has been a favorite anti-competitive tactic of theirs, which they have the temerity to call 'innovation'.

The definitions of ''middleware'' & ''API'' are excessively narrow, permitting Microsoft to evade them with semantic manoeuvres

such as calling a communication protocol an administrative protocol. It does not deal with Microsoft's continuing anti-competetive behavior since the original judgment, such as tying windows XP with .NET. It allows Microsoft to continue milking the public & frustrating competition by introducing undocumented changes in Office formats. It allows Microsoft to continue licensing practices intended to prevent competing products from being installed under their operating system. It relies on behavioral remedies which have in the past been quite ineffective with Microsoft, who simply disregard any agreements to cease their deprecated practices .

I have been a software practitioner for over 25 years. In my experience, Microsoft are without peer in the shoddiness of their products. If they were required to compete on the merits, they would not enjoy their present monopoly, consumers would have reliable computing facilities, & the business world would not be spending $10 billion a year remedying Microsoft's cavalier disregard for quality.

While time is on the monopolist's side, & it would benefit the public to settle the case before Microsoft can extend its monopoly further, the proposed settlement is not in the public interest & should be rejected.

Thank you for the opportunity to comment.

—Rich Fuchs rfuchs@post.harvard.edu

Richard B. Fuchs
1117 Hamilton Ln.
Burlingame, CA 94010–3346
(650) 697 7214

MTC–00025089

From: S T
To: Microsoft ATR
Date: 1/25/02 5:19pm
Subject: Microsoft Settlement

To whoever reads this

My Opinion on this is that you are letting Microsoft off the hook. I completely disagree with letting them off because as both a user and a technical support person, I am sick and tired of dealing with their mess of overly integrated software. I feel that I have been forced to use Microsoft Operating systems, and product, do to Microsoft's Monopoly Why can't I run office on Linux?, Why do I have to spend hours pulling my hair out trying to fix a damaged system that could be easily fixed if I could remove unwanted pieces of the bundled software the installs with a Microsoft OS? I am getting more and more tied of them limiting how I can control my computer. If I was given a chose to run a Microsoft OS or a version of Unix/Linux I would run Unix, because it is stabler, more configurable, and I have the ability to replace any part of the system I want. Plus I can find what any part of the operating system does, because of how available information is on the subject. This isn't the case with Microsoft. I have purchased their technical manuals which for the most part are a joke, and have been getting worse as the years go by. This is a very short list of things that cause me problems, and I don't want to force who ever read this to go on and on. So to sum things up please force Microsoft to change currently they have control and the ability to kill off any one who gets in their way please stop this from continuing.

Thank you
Sam Taxis

MTC–00025090

From: Stanley A. Klein
To: Microsoft ATR
Date: 1/25/02 5:20pm
Subject: Microsoft Settlement

In my view, Microsoft has used a large number of approaches in maintaining its monopoly. The proposed settlement essentially gives Microsoft a government-endorsed license to continue using many of these approaches. Two issues that I will address are the business model apparently assumed by the proposed settlement and Microsoft's use of its office application proprietary data formats as a means of maintaining its monopoly. Implicitly Assumed Business Model

The proposed settlement appears to implicitly assume that the basic business model of the software industry is the closed source model. Under this model, which is used by Microsoft and many other companies, the intellectual property in the software is kept as the proprietary property of the provider. Source code and much of the documentation are disclosed only under limited circumstances, generally involving payment of fees and execution of non-disclosure agreements.

Continued dominance of this business model in the marketplace is very much in the interest of Microsoft, and is especially reflected in the requirement of Clause (ii) of Definition N that defines a Non-Microsoft Middleware Product as one distributing at least one million copies a year. There is another business model, known as the free software or open source business model. (The term ''free'' in ''free software'' is in the sense of libre, not necessarily in the sense of gratis.) In this business model, the intellectual property in the software is dedicated to what Lawrence Lessig calls an ''innovation commons.'' There is no fee, royalty, or permission required for the right to obtain the source code, or to copy, modify, or distribute the software. The details, history, implications, and important public benefits of this business model are best explained (in terms understandable by legal professionals) in Lessig's book ''The Future of Ideas.''

According to numerous press reports, many public statements of its executives, and (in at least one case) an explicit provision included in a non-negotiable end user license agreement, Microsoft regards the free/open-source business model as a major potential competitive threat. The inclusion of clause N (ii) of the settlement allows Microsoft to refuse to provide rights under the settlement to products of ISV's who adopt the free/open-source business model.

For example, it may be almost impossible to determine how many copies of a free/open-source middleware product or software application are distributed in any given year. The software is freely copyable and redistributable by anyone. There is no license registration required under the free/open-source business model, and no other indication that a copy has been distributed unless the user has contracted for value-added services (such as warranty or support) from a particular distributor of the software. As a minimum, Clause N (ii) should be deleted. In addition, the entire settlement should be reviewed to ensure that none of its provisions allow Microsoft to withhold rights under the settlement from ISV's who are part of the community surrounding the free/open-source business model. In that community, a relevant ISV could be a single, technically-qualified individual who makes significant contributions of software to the innovation commons on a spare-time basis. This is reasonable, because software produced by such individuals is often used by millions of users. Office Applications

In my experience, one of the major approaches used by Microsoft in maintaining their monopoly is through their office applications, including Word (word processing), Excel (spreadsheet), Powerpoint (presentation slides), and Access (database). This approach would have been blocked had Microsoft been broken up as provided in the original decision of Judge Jackson. The break-up having been disallowed by the Appeals Court, there need to be provisions added to the settlement that block this approach. Microsoft maintains its monopoly through its office applications by using proprietary file formats that can only be properly interpreted or produced by Microsoft products that run only on Microsoft operating systems. I am an independent consultant in computers, communications, and management science. I have long preferred office applications produced by competitors to Microsoft. My preference is based on what I regard as the superior functionality of those products. However, when I wish to exchange documents with clients or with other participants in professional committees, I am often forced to use formats compatible with Microsoft office applications or to use the Microsoft office applications themselves. Attempting to use third party software with Microsoft proprietary formats often leads to difficulty, because Microsoft uses a variety of technical and legal measures to make it difficult for competing applications to interpret or produce documents in their proprietary file formats. As a result, it is very difficult for a user to avoid using Microsoft applications and Microsoft operating systems if the user desires to exchange office documents with other users. Examples of the measures used by Microsoft include making the formats for new versions of an office application incompatible with the formats of previous versions and prohibiting reverse engineering in their non-negotiable (''click-wrap'') end user license agreements.

To prevent Microsoft from using such measures, I believe that the settlement be amended to:

1.Require Microsoft to openly disclose all details of its proprietary file formats, and

2.Require review by the Court of all Microsoft non-negotiable end user license agreements to ensure that the terms and conditions of such agreements do not support maintenance of Microsoft's monopoly. To remedy the Microsoft monopoly will require an extensive period of transition during which users can be expected to use both Microsoft and competing office applications. The period of transition (and therefore the

duration of the settlement requirements) should run at least ten years.

Stanley A. Klein
Principal Consultant
Stan Klein Associates, LLC
P.O. Box 2523
Rockville, MD 20847–2523
301–881–4087

MTC–00025091

From: ESS Computers
To: Microsoft ATR
Date: 1/25/02 5:23pm
Subject: Microsoft Settlement
ESS Computers, Inc
1807 HWY 31 SW
Hartselle, AL 35640
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to inform you that I believe that the settlement reached between Microsoft and the Department of Justice regarding the antitrust suit will be a benefit to the IT industry as a whole. The suit has delayed the progress of the technology sector, while along also slowing down the economy. The politicians that carry on litigation against Microsoft have continued to dig further and further into taxpayers'' pockets to fund their personal crusade. This must be stopped. Microsoft has agreed to not retaliate against any OEMs that may ship software that competes with the Windows OS. Microsoft has also agreed to the establishment of a three person ''Technical Committee'' that will monitor its compliance to the agreement.

It is time to put this suit behind us. We cannot go on depleting public resources for an issue that has come to a conclusion. All that remains now is that you make certain that the settlement is finalized, and Microsoft is allowed to return to doing what it does best: innovate.

Dinah Horner
President

MTC–00025092

From: Dennis F. Kahlbaum
To: Microsoft ATR
Date: 1/25/02 5:22pm
Subject: Microsoft Settlement

I will make this brief.

I am in total disagreement with this so-called ''settlement''. Microsoft has been rightfully convicted as being a monopoly, and therefore should be severely punished. This ''settlement'' is simply a slap on the wrist and will NOT change this company's predatory and dominating behavior. The DOJ has wasted years of effort, and money, if this ''settlement'' is adopted. I strongly urge the DOJ to reconsider its position and do whatever it takes to allow FAIR competition to return to not only the computer operating system market, but to whatever Microsoft decides to conquer next (PDAs, Gaming Consoles, etc.)

Thank you.

Dennis F. Kahlbaum

MTC–00025093

From: Harry Binswanger
To: Microsoft ATR
Date: 1/25/02 5:24pm
Subject: Comment on MSFT settlement

To whom it may concern:

I think any attack on Microsoft is unjustifiable. They have done nothing other than create and market software—which anyone is free to use or not, regardless. There's been no coercion and no charge of coercion against Microsoft.

It looks like they are being prosecuted for the ''sin'' of being ''too successful''—i.e., providing ''too much'' value.

No, I am not a Microsoft employee or stockholder—and I don't even like a lot of Microsoft's software. E.g., I use Netscape as my browser. And I use XyWrite instead of Word. Supposedly, I'm not ''free'' to do that—but I am. I am able to decide for myself.

Microsoft should be lauded for its success, not hobbled by government's coercive powers.

Regards,
Harry Binswanger, Ph.D.
President,
TOF Publications, Inc.
Harry Binswanger
hb@alum.mit.edu

MTC–00025094

From: Jerry Clabaugh
To: Microsoft ATR
Date: 1/25/02 5:24pm
Subject: Microsoft Settlement

''None of the people who run divisions are going to change what they do or think or forecast. Nothing.''

-Bill Gates, interview in The Washington Post on the 1995 consent decree, August 1995

''The practices Microsoft agreed to forgo had already served their purpose. Gates was right when he summed up the effect of the [1995] consent decree in one word: ''Nothing.''

-James Gleick, ''Making Microsoft Safe for Capitalism''

The present Consent Decree has many shortcomings which render it ineffective in ''unfettering the market from Microsoft's anticompetive conduct''. In particular, the Technical Committee, which has been characterized as a major concession by Microsoft, gives the proposed Decree the appearance of meaningful enforcement while moving the reality of enforcement beyond reach. These are some of the difficulties with the Technical Committee:

(1) The Committee has wide powers to look at documents and interview individuals, but has no power to cause Microsoft to behave differently.

(2) The information gathered by the Committee will be confidential, unlike information gathered in the past by the Justice Department, further complicating enforcement (B9).

(3) Since Microsoft appoints one of the first two members, and the third member will be appointed by the first two, Microsoft is permitted to establish a committee with a majority of members who have no interest in enforcing the consent decree, even if thay had the power to do so.

(4) The members are supposed to be individuals who are experts in software design and programming (B2), while they will also require expertise in antitrust law and history.

Even though the terms of the proposed Decree are very relaxed, Microsoft, if it remains under the same management and philosophy of the 1990's, will pay no heed to the proposed Decree. If the Decree is accepted, we will be in the same position as in 1996, with a decree in place, but no enforcement options beyond bringing yet another antitrust action.

It is my belief that breaking up Microsoft would be a bitter experience, full of dislocations for all those with an equity in Microsoft; managers, employees, stockholders, and customers. Yet when the antitrust action is brought yet again, the only reasonable remedy then will be a breakup. The only measure we can take now to prevent this outcome is to provide meaningful, effective enforcement in the current case.

The Committee only impedes the job of enforcement. The dissenting States'' proposal does include real enforcement terms, and is a preferable alternative to the proposed Consent Decree.

I have focussed on the Technical Committee, but the present Decree gives Microsoft the imprimatur of the Department of Justice to pursue many anticompetitive strategies. Reading the proposed Decree without context gives one the impression that it was the government that was found guilty of interfering with Microsoft's right to abuse its monopoly. If I have read the news accounts correctly, then it is instead the case that every federal judge who has had to evaluate the Microsoft's behavior (nine, to date) has found Microsoft guilty of abusing its monopoly. Why then, are there so many limitations and exceptions? Is Microsoft in such danger of being unfairly treated by law enforcement, when that enforcement has been vindicated again and again by the courts?

The proposed Decree unfairly limits the ability of the public to seek enforcement of antitrust law against Microsoft, and should therefore be discarded. Even a simple fine would motivate management at Microsoft to learn about the meaning of antitrust law, without limiting the rights of the public.

In addition, the proposed Decree does nothing to ''deny Microsoft the fruits of its violations of the Sherman Act'', as instructed by the Appeals Court.

The importance of implementing an effective remedy looms larger than ever before, since computer security is now an issue that needs very serious attention in the United States:

''In a report released this month titled ''Cyber Threats and Information Security: Meeting the 21st Century Challenge,'' the Center for Strategic and International Studies (CSIS) concluded that the government and the private sector should be concerned about the ''trustworthiness'' of future Microsoft products''

-cnn.com, December 29, 2000

''Gartner recommends that enterprises hit by both Code Red and Nimda immediately investigate alternatives to IIS, including moving Web applications to Web server software from other vendors, such as iPlanet

and Apache. Although these Web servers have required some security patches, they have much better security records than [Microsoft's web server software] IIS''

-Gartner Group, September 19, 2001

The fact that Microsoft's attitude toward security remains so casual, despite many high-profile security failures is an indication of the unhealthy effect of their monopoly power. In a competitive market, competitive pressure should have caused Microsoft to ''clean up its act'' with respect to security. Today, the United States cannot afford an unrestrained predatory monopoly in computer software.

Besides security, the other important reason to reject to proposed Decree and instead insist on real enforcement is economic: Microsoft's policy of extinguishing innovation that it cannot co-opt certainly has benefitted Microsoft and its investors, but threatens the larger United States economy.

The Microsoft monopoly and the consumer software market emerged simultaneously, so no one can say what the economic benefits of antitrust enforcement would be. I can only hope that the Court will give prosperity a chance.

I am in no way a competitor of Microsoft. Thank you for the opportunity to be heard,

Jerry Clabaugh
20 Magoun Street
Cambridge, MA 02140

MTC–00025095

From: wbergset@isd.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

This anti-trust suits against Microsoft are awful for our economy and for the consumer's. The only people that benefit are lawyers & Microsoft competitors that want to overcharge for their inferior products. I think the government is punishing Microsoft for being successful.

CC:wbergset@isd.net@inetgw

MTC–00025096

From: craigshaynak@
compuserve.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to express my support for Microsoft in its attempts to reach a settlement on the antitrust action.

It pains me to see valuable resources in the government and at Microsoft wasted on litigation that ultimately has backfired and ceased innovation. As a computer consultant, I am not an agent of Microsoft, but like many others I use their products and development tools in my work. For years people have had a choice concerning which operating system and browser to use on their office and home computer. Did Microsoft strong-arm dealers into selling its operating system with the hardware? How can this be? Consumers in the real world demand and need an operating system for these machines at purchase time. ''OEM'' licenses grow out of CONSUMER DEMAND, not the demands of a software giant. Does Microsoft benefit? Of course they do. How does this hurt innovation? It is in Microsoft's perpetual interest to innovate because the demands of consumers grow each year; new peripheral and hardware technology demands new operating systems and browsers as well as new applications to handle the merging of these technologies. In fact, Microsoft depends on the new revenues from new versions of its operating system. A well-known criticism of Microsoft is that they charge for upgrades and new OS versions. However, people buy these updates despite the fact that it is still possible to perform all personal and business work running Windows 95 on older machines. Why do people buy the new systems? It usually to take advantage of new hardware or third party technology. Does SUN or AOL Netscape suffer? Simply put, there is no AOL without Windows. There is no Netscape browser without Windows. It is utterly ridiculous for these companies to claim injury while they ride on the backs of the Microsoft operating system themselves. Could operating systems be better? Of course they can, but creating an OS for machines made by a myriad of manufacturers and sold in an infinite number of configurations by various retailers is a large task. I do not see SUN or AOL creating operating systems that are better. I do not see the R&D dollars going towards creating a better mousetrap. This is because litigation has replaced innovation at these companies. Would it be difficult to create an operating system that individuals and businesses would flock to? Yes, of course; unless this OS could run existing business applications and handle existing hardware. This is a tall order and until someone else comes along, Microsoft is filling the need. Not only that, Microsoft helps developers use its technology in offering free seminars and classes. Bookshelves are filled with ''How To'' manuals on MS development because it is easier to build on Windows than to create an OS from scratch. This is just smart business practice on the part of Microsoft, not unfair.

A case in point to illustrate the Microsoft scenario: Coca Cola and Pepsi have demanded exclusive contracts with supermarkets and fast food chains for years with a minimal amount of antitrust action against them. When Royal Crown was pushed out of these markets, they claimed that Coca Cola and Pepsi engaged in unfair business practices. How often do you see RC in these markets now? Litigation cannot change consumer demand. For all intent and purpose, two cola manufacturers held a monopoly. Do you think supermarkets and McDonalds complained that they had to stock Coke? Of course not. As far as the packaging of the Internet Explorer browser with the Operating System goes, it is unbelievable that this simple concept of integrating the browser with the OS has escaped the Justice Department and the judicial system. An Operating System IS A BROWSER for your hard drive. With technology tending towards Wide Area Networks and Internet services, it is naturally the next step to integrate and combine the browser with the OS. This innovation and simplification has been destroyed by the government and judging from the recent action taken by AOL Netscape, it will be even further delayed if not killed altogether.

I hope you understand that I do not work for Microsoft. I regularly use IBM technologies with many clients including Lotus Notes, AS400 and DB2 databases. These products and services have their place in the market too. In fact, I believe XML technology stems from IBM, if I am not mistaken. How has Microsoft reacted to this? Well, rather than sue IBM or other creators of XML, Microsoft has INTEGRATED and ADOPTED this technology and INCORPORATED it in its new products. Sounds like a smart business practice to me.

So, if AOL wants to make a browser, let them. If SUN wants to recapture some portion of a market they never had, let them create their own OS. That is what Apple has been doing for years. Do they have the large part of the market? No, but they are innovative and successful in their market. In this time of recession and economic recovery, please do us all a favor and help redirect the resources being wasted in this antitrust action.

Craig Shaynak
CRS Consulting
(323) 661–6927
(213) 499–0972 pager
CC:Kurt Eric Schenk (E-mail)

MTC–00025097

From: Greg Smethells
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

Microsoft is a monopoly. This has come about because Microsoft does not play fair when it comes to interfaces that allow interaction with their software or by-products of their software. A major component of this, in the simplest form, is file formats. The major problem different operating system have when interacting with Microsoft's OS is that their competing applications do not properly handle the file formats that are prevalent everywhere due to the Microsoft monopoly.

A remedy would be to enforce all Microsoft file formats to have open specifications that must be correct for periods of time (no lying in the specification). Any changes to the specification would need to be broadcast so that others had time to react. No hurt to Microsoft can come from that aside from better competition. A better solution would be to open-source the code that implements utilization of the file formats in all manner of ways. It would also be wise to enforce that writing programs to these specifications work in almost all cases before assuming that indeed the code and specifications for important protocols is truly opened up. The best solution would be to enforce the openness through a standards committee run by third-party individuals from academia who have no ties to Microsoft, Sun, or Linux companies (Red Hat, etc).

Only when the Microsoft monopoly file format's, protocol's, and interface's specifications are open-sourced, correct, and unchangeable for extended periods, can we assume that others will be able to compete.

Greg
Gregory J. Smethells
Computer Science Graduate Student
University of Wisconsin—Madison

MTC–00025099

From: JonathanGoldblatt@
CompuServe.Com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Settlement is bad for me...

The settlement does nothing to stop MicroSoft from destroying Real Audio the same way that it destroyed Netscape. The settlement does nothing to prevent MicroSoft from making it's online service incompatible with other operating systems and browsers, which it has already done for a short period, to maintain it's monopoly in desktop operating systems and browsers, or devising other novel methods to illegally protect it's monopoly. The settlement does nothing to prevent MicroSoft from making it impossible for free software developers to adapt their software to operate in conjuntion with software on platforms running MicroSoft operating systems, again to illegally protect it's monopoly.

Obviously what would be best for all would be for MicroSoft to come to its senses and accept the responsibilities of being a law-abiding corporate citizen. What is gained for the public by punishing MicroSoft?

Unfortunately, MicroSoft is unwilling to do this, as it has shown by the ambiguous, legalistic language that it has used to describe it's future conduct and it's continuing defence of past conduct that both a District Court judge and a unanimous Appeals Court have found to be illegal. Unfortunately, by not ''punishing'' MicroSoft, not only will MicroSoft be encouraged to continue its predatory, illegal, anti-competive practices, but others will also. Please spare us.

CC:attorney.general@po.state.ct.us@inetgw

MTC–00025100

From: jayreitz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:28pm
Subject: Microsoft Settlement

The proposed settlement is absolutely fair in my opinion. Why do less successful, talented and innovative companies feel that the only path to success is through litigation. They should concentrate on building better products.

The settlement should be accepted.

CC:jayreitz@hotmail.com@inetgw

MTC–00025102

From: Jorge Martin
To: Microsoft ATR
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

I would like to add my name to those who think the proposed settlement with Microsoft is not good.

Jorge Martin
Addison, VT

MTC–00025103

From: Robert N. Brauer
To: Microsoft Comment
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

The following proposal is intended as a public comment on the Proposed Final Judgement under the Tunney Act. Executive summary

The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its application programming interfaces (APIs) to commercial competitors. 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 with the express goal of allowing all competitors, including non-commercial developers, to build Windows software applications and operating systems that compete with Microsoft on a level field. Proposal

The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. This addresses the main technical advantage that Microsoft weilds as a monopoly; that many of the Windows APIs and Office applications file formats are hidden, undocumented, or changed at will. This leaves consumers locked into Microsoft's control because their applications cannot be run in a competing environment, and their information cannot be accessed with competing applications. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. No requirement is given for complete disclosure of the Windows APIs and Office file formats. If Microsoft is given the means to withhold portions of these interfaces from competition, then it's monopoly position remains unaltered.

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 with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field. This should be a public disclosure and not limited to a few Microsoft selected developers. It needs to include all developers so that true competition may be revived.

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 like computer vendor Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has attempted to craft 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 competition on the operating system front comes from Linux—a non-commercial product—and it faces increasing competition 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 supports a significant portion of the World-Wide-Web, 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. 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, ...''

The settlement gives Microsoft the right to select it's competition and effectively kill other products, like Open Source projects that use Microsoft calls.

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.

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. Clearly the disclosure of APIs and file formats must be public and available to the entire software industry. 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 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 it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Remember that 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 has a cash reserve 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 hardware market is, by genuine competition.

Portions of this proposal contain text authored by columnists Scott Rosenberg and Robert X. Cringely.

Regards,

Robert N. Brauer

MTC–00025104

From: mike@sax.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:26pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to express my complete support for the settlement reached between the Department of Justice and Microsoft in the recent anti-trust trial. The settlement addresses all significant issues raised during the trial while at the same time avoiding excessive regulatory measures. I believe that the terms of the settlement will give the parties who opposed Microsoft during the trial important new rights and abilities which will significantly enhance their competitive position. At the same time, the settlement preserves the right for Microsoft to continue to enhance its product based on customer feedback, which has been the fundamental reason for its enormous success.

My sincere congratulations go to both Microsoft and the Department of Justice for their continued commitment to come to a settlement that benefits American consumers and business.

Sincerely,
Mike Sax
President,
Sax Software Corp.
Eugene, Oregon
541) 344–2235
2852 Willamette St. #359
Eugene OR 97405
mike@sax.net
CC:mike@sax.net@inetgw

MTC–00025106

From: paulp@rocketworks.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

My name is Paul H. Parry. I am the Chief Technology Officer of Rocketworks LLC, an Internet integration firm with experience with web server platforms from companies including Microsoft, IBM, Sun, and AOL(Netscape). I am writing to SUPPORT the proposed settlement as the best and fastest way to restore competition to the affected markets, preserve existing competition in related markets, and quickly stabilize to the technology economy at a time when stability is badly needed.

As has been shown in recent analyses (http://www.actonline.org/ press—room/ releases/ACTNov5.pdf), this settlement addresses every concern and infraction upheld by the Courtof Appeals, and provides many additional consumer benefits that are not required by the court's ruling.

The previous, overturned, ruling would have affected other markets, including web server platforms, handheld device operating systems, web content and e-commerce activities, that were not affected by Microsoft's behavior. All of these are thriving, competivive markets in which Microsoft is one of several innovative players. This settlement preserves that competition.

As many have said, Antitrust laws exist to protect consumers, not competitors. This settlement protects consumers more than adequately. The overturned order, as well as the newer request of the non-settling states, are aimed at providing benefits to Microsoft's competitors, without any judgement of whether their failings were due to Microsoft's anti-competitive behavior or their own lack of innovation. The matter of providing remedies to competitors is best left to private actions, such as the one being brought this week by AOL.

Consumers'' views of Microsoft and its competitors are clear. In the latest Harris Interactive survey of corporate reputations (http://www.harrisinteractive. com/pop—up/rq/gold.asp), Microsoft was judged to have the 2nd best reputation among the US's 60 most visible corporations. This is up from 9th place in 2000 and 15th in 1999. Meanwhile, America Online placed 50th, down from 39th in 2000 and 26th in 1999. This is just one of many indications over the last four years that consumers like Microsoft's products, services, and corporate reputation.

Thank you for your attention,
Paul H Parry
Chief Technology Officer
Rocketworks LLC
211 Perry Parkway
Gaithersburg, Maryland 20877
CC:paulp@rocketworks.com@inetgw

MTC–00025107

From: Gruber, Brad
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

The first resolution of splitting Micro$oft, was by far the best and should have been executed. The only people who didn't want that to happen is Micro$oft and their preferred partners.

I blame the current technology recession on Micro$oft. Sure! They scared every computerized company on the planet into upgrading their systems because of Y2K, draining their budgets, forcing them to spend money they didn't even have. Well guess what... who wrote the software in the first place that was so susceptible to the year 2000 bug?

One topic I have yet to see, is FALSE ADVERTISING! Micro$oft has continually lied about how secure their products are. I shouldn't have to explain this one to anyone that can read. Lied about how much easy it is to use when it is progressively getting more difficult. Selling products that don't work as they are advertised is simply wrong.

There are lemon laws for cars, recalls for everything under the sun. Why doesn't Micro$oft (and every other software company) have to stand by the products they make? If it doesn't work the way it is advertised, why are they the only industry that can get away with it?

There is quite a bit of speculation about the DOJ's decision to ''Wimp out''. There are also quite a few people that have formed the conclusion that Micro$oft paid for the DOJ's decision and now some of you have summer homes, fancy cars, and trust funds for your kids that you never had before.

Do your job and protect us!

If you don't... who will?

MTC–00025108

From: Derick Siddoway
To: Microsoft ATR
Date: 1/25/02 5:28pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

My comment on the Proposed Final Judgement is simple. Microsoft has been found guilty in a court of law of not only being a monopoly but of improperly using its position as a monopoly to harm consumers. Any settlement must therefore address this simple statement of fact.

The Proposed Final Judgement does many things, but what it does most effectively is present the appearance of doing something. It may or may not be appropriate to punish Microsoft for past misdeeds, but it is certainly relevant and appropriate to prevent Microsoft from future misdeeds.

The Proposed Final Judgement does none of that. I should probably go further into specifics on this, but others have already done so and have done so much better than I can. Please direct your attention to the comments on this URL: //http:// www.kegel.com/remedy/letter.html

Sincerely,

Derick Siddoway, Salt Lake City, Utah

Derick Siddoway II. Impact Non-privileged primitive users can derick@bitflood.net cause the total destruction of your entire invasion fleet and gain unauthorized access to files.

—CERT Advisory CA-96.13

MTC–00025109

From: parx@theshearers. com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:30pm
Subject: Microsoft Settlement

I, Parx Shearer, believe that Microsoft's actions have been a disgrace to the computing industry and worthy of harsh retribution. Microsoft unashamedly sought to bring down competitors in any manner possible, legal or otherwise. Now Microsoft believes that it can not only get away with this behavior, but continue this behavior in the future. I find this unacceptable and send this comment to you in hopes that justice will be served against Microsoft so that all software vendors may have equal opportunity to offer their products for the betterment of the American society.

Thank you, Parx Shearer

MTC–00025110

From: John S. Hartley
To: Microsoft ATR
Date: 1/25/02 5:32pm
Subject: Microsoft Settlement
CC:MSFIN@Microsoft. com@inetgw, kentammerman@onebox.com...

MTC–00025110 0001

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Dear DO J,

As I have said and believe with all my heart many times; you people can and do screw up more things than you can possible correct. Enron is something you should focus on. Leave people alone, Microsoft does more good that we benefit from directly as consumers than any other company, when it comes to computers. I dislike the government enough without you people messing around with my computer and software at home. Ask yourself, what could you tell me that might possibly change my mind? 9–11 ? Not hardly! I have since 9–11, come to feel that this government is solely responsible for what happen to us. Now we have given up some more freedom for security. We are a nation of sheep!

Our leadership have been greedy, corrupt, self-serving, too ambitious and many more weaknesses. Sin really can kill! I start at Kennedy (and lets not forget Clit-tongue), (even Westmoreland and Johnson should have been put on trial as war criminals) because that is when I started looking and experiencing the world. I was stupid and young, wanting to do as Kennedy suggested, ''Ask not what your government can do for you but what you can do for your country''. Idealistic and stupid! The government use to belong to the common American, now it is the hands of... The little guys like me sit out here in the real world, dealing with your realities created by weeping hearts. I have to live your screw-ups and watch the true values of America being flushed down our commodes. How unintelligent our country's leaders have become, not to mention the people that constitute it (me to). I served my country for 10 years and put my life on the line. Now as I look back, I would not do that, I am older and wiser. Would you like to tell me to my face that I am not patriotic? I don't think so, not to my face anyway. I realize you are only a department of this government and I can't expect you to do much more than what you are doing. Individuals that make up our government are fine people, still I wonder how many are too ambitious and self-righteous. Would I welcome any of you into my home? I seriously doubt it with all my heart, just as I know in my heart that our leaders are responsible for letting 9–11 happen. Sorry I have no faith in our government and most of the people in it. Still, I was born and reared in the hills of Virginia. The most I can do is to teach my children that, ''this country is only as great as its people and they with many more generations have much to do to make it great again''. Because we the people have let stupid leaders both democrat and republican take us astray from the true values. God's values! And yes I write my government representatives and they are in the same boat with you. We don't have the America I grew up and fought for. It was great then but not now. How's that for a prelude to a hate crime?

God Bless America, George Bush
And John Ashcroft
John Hartley
1154 Londonberry Lane
Glen Ellyn, Illinois
(jhartley3@msn.com)

MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00025110—0002
01/29/2002 3:50 P

MTC–00025111

From: Rick Lazansky
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

I'd like to voice my objection to the proposed settlement for Microsoft.

I've been involved in the development of software for 25 years, starting with the software development for operating systems and software tools with Intel Corporation. Over this period, it has become virtually impossible to develop independent software. Most alarmingly the nature of the difficulty has grown exponentially over the past decade.

Competitive software requires modular, independent software application interfaces, open standards, and the free exchange of ideas, techniques, and algorithms. The availability of this information has decreased abruptly in each area in which Microsoft has launch an initiative. Even where Microsoft has participated in an open standard, subsequent events have either a) revealed that their real resources were directed to a proprietary standard, b) that their actual participation in the standard development served to delay the standard in practice, c) they hid or blocked progress towards resolving critical areas or d) that they later sought to ''make proprietary'' later versions of the standard. Computer users deserve a choice of solutions, whether general software for the consumer, or specific tools for business, engineers, or even software development. Microsoft has increasingly kept this from occurring. The subtlety by which it is possible to preclude effective outside development frightens me. It has become less obvious to even long term practioners perhaps, but using internet interfaces, Java, and even the C programming language has become nearly impossible without incurring delay as well as proprietary platform dependence.

Regards,
Rick Lazansky
Rick Lazansky
VP Product Development
408 987 0603 x314
http://www.xpedion.com
mailto:rick@xpedion.com

MTC–00025112

From: Ron Bolin
To: Microsoft ATR
Date: 1/25/02 5:33pm
Subject: Microsoft Antitrust Business Practices and Preception
RE: Microsoft vs. 9 States

Hi,

Just my 2 cents.

I truly think that Microsoft has excellent products. However, I also believe that they will bury anyone who gets in their way. Something akin to ''it's my way or the highway''. I'd like to see a binding ruling that makes them more co-operative with others. I guess some of that power comes with their wealth. I don't envy anyone that has to make the ruling. Good luck and do you best job.

Ron

MTC–00025113

From: Jason Thomas
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:31pm
Subject: Microsoft Settlement

Please consider the attached comments authored by C. Boyden Gray, Chairman of Citizens for a Sound Economy and partner at Wilmer, Cutler, and Pickering.

Jason M. Thomas
Citizens for a Sound Economy
1250 H Street NW, Suite 700
Washington, DC 20005–3908
phone: (202)942–7621, fax: (202) 783–4687
www.cse.org

Citizens for a Sound Economy...organized Americans committed to preserving our economic freedoms.

CC: Erick R. Gustafson,Paul Hilliar

MTC–00025113—0001

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 write to endorse resolutely the proposed settlement between Microsoft Corporation and the United States Department of Justice. The consent decree agreed to in U.S.v. Microsoft enjoins all Microsoft actions that were found to be illegal and imposes severe restrictions on the company and its business practices. The decree is the most forceful and the most regulatory ever negotiated by the U.S. Justice Department, wherein Microsoft agreed to provisions that were substantially more punitive than what plaintiffs could have expected to achieve through litigation. For instance:

The company is prohibited from exclusive dealing arrangements or any preferential treatment from manufacturers, access providers, suppliers and vendors. Manufacturers will retain greater freedom to display non-Microsoft software, and will no longer face the risk of retaliation from Microsoft should they choose to promote products made by Microsoft competitors. Should Microsoft fail to abide by any of these restrictions, a committee of experts is to be created that will receive all complaints pertaining to Microsoft's business practices.

The consent decree runs for five years, with an additional two years if Microsoft is found to be in violation of any of its terms—a lengthy period of time in any industry; more so in an industry as volatile and dynamic as computer software.

Despite all of this, opponents of the decree—which include, not surprisingly,

many of Microsoft's industry rivals and their supporters—continue to belabor two points: First, that the Court of Appeals decision that led to this settlement upheld the core argument of the government's case, that Microsoft held a monopoly in operating systems; and second, that the settlement between the company and the government is not only inadequate but unenforceable.

First of all, yes, the Court of Appeals did find Microsoft's exclusive dealings to be monopolistic, which is exactly and specifically what the company has been prohibited from doing in the future, according to the terms of the decree. The current District Court judge in the case even made the point that ''the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive.'' (transcript of Scheduling Conference before the Honorable Colleen Kollar-Kotelly, September 28, 2001, at 8.) It would seem that specifically prohibiting the company from engaging in the activities that were found to be monopolistic would meet this criterion.

MTC–00025113—0002

As for enforceability, included in the unprecedented provisions of the decree is the creation of an independent three-person technical committee to monitor Microsoft's compliance with the agreement. The committee will reside at Microsoft headquarters and that will have complete access to all Microsoft facilities, records, employees and proprietary technical data. This includes the source code for Windows, which some have pointed out is the equivalent of having access to the ''secret formula'' for Coca Cola.

In addition to the Technical Committee, the Department of Justice and each of the nine states that have so far settled with the company, will all have the power to monitor Microsoft's compliance and to seek remedy if the company fails to meet the terms of the decree. Microsoft has also agreed to create and implement an internal compliance program to educate their managers and employees about the different restrictions and obligations the decree imposes on them. All of this goes far beyond what the Court of Appeals originally required.

It seems none of this is good enough for those who are determined to pursue this case until the bitter end—an end that could mean bitter consequences for this nation's high-tech industry, not to mention the economy as a whole. The claims that survived the Court of Appeals decision were, and remain, very narrow. The idea of splitting the company apart had been dismissed. The company's ''tying'' practices were found to be legal. All that was left were proposed measures such as forcing Microsoft to sell Windows software without including its Web browser, instant messaging or media player applications—an indication of just how trivial this case has become in terms of ''harm to consumers'' when measures such as these become the bargaining chips.

One Microsoft opponent has said that you assume consumer harm results from monopolization. But it is difficult to see how consumers might benefit from having the Media Player or Instant Messaging applications deleted from their software. Microsoft did in fact offer a browserless version of Windows at one point during litigation. Nobody wanted it.

It is important to remember that decrees in civil antitrust cases like this are designed to remedy, not to punish. Microsoft was found to be engaged in illegal business practices, it has been prohibited from those practices in the future, and faces severe repercussions should it fail to meet these prohibitions. And yet, opponents continue to complain that the decree is useless because it will have no ''material'' impact on Microsoft's business.

Microsoft's opponents like to say there are loopholes in the loopholes, and speak forebodingly of the years of additional litigation that will result. The irony here is that they are the ones refusing to settle the case, they are the ones prolonging the litigation, and they are the ones finding fault with enforcement provisions that are unprecedented in a conduct decree such as this.

MTC–00025113—0003

The Department of Justice, which represents the public and is the principal interpreter of the federal antitrust laws to the Judiciary, has achieved a powerful settlement and wants to move on. There are a few attorneys general with questionable expertise who want to prolong the uncertainty clouding the marketplace. They should recede from the federal action, and let the private sector litigants get back to creating jobs instead of enriching lawyers.

If this case is truly about protecting consumers from illegal and monopolistic business practices, then that has been accomplished in a reasonable, enforceable and unprecedented manner through the consent decree negotiated between Microsoft and the Justice Department and supported by nine States. If, on the other hand, this case has turned into an opportunity to prolong litigation and wring additional dollars out of Microsoft, it is in the best interest of the public, the economy, and indeed the judiciary to bring this case to an end as precipitously as is possible.

Sincerely,

C. Boyden Gray

MTC–00025113—0004

MTC–00025114

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:33pm
Subject: Microsoft Settlement

Please recognize three key facts:

1.) Those who are suing Microsoft are second-best companies who can not compete with Microsoft on the quality of software needed by the masses.

2.) I have never met an individual who has said he/she were not satisfied with Microsoft's software. People are NOT saying they have been cheated and or overcharged.

3.) These people, who are purported to have been cheated and or overcharged, do NOT exist. These people are imaginary people who have been created by the second-best software companies.

MTC–00025115

From: Storm North
To: Microsoft ATR
Date: 1/25/02 5:34pm
Subject: Microsoft Settlement

Dear Reader:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. The following is just one instance why I think the proposed is problematic. 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 M–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.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,
Storm North
Plover, Wi. 54467
715.345.2806

MTC–00025116

From: Izzy Blacklock
To: Microsoft ATR
Date: 1/25/02 6:48pm
Subject: Microsoft Settlement

I don't know how much weight my words will have seeing as I'm a Canadian citizen, but I've decided to write anyway. If for nothing else, to show that Microsoft's influence and behavior in the industry is far reaching, effecting people around the world, not just in the US. I've been following this case with great interest since the beginning. There is no doubt in my mind that Microsoft has a monopoly and has used its influence to maintain it's strangle hold on the industry and to leverage it's interests in other areas. This case has clearly shown that Microsoft's behaviour is illegal under your laws and that punitive action is necessary to restore balance to the industry. I've read significant criticism of the proposed settlement from several industry leaders as well as legal experts and the general consensus seems to be that this settlement will do little to stop Microsoft from continuing it's Monopolistic behaviour. This is of great concern to me, as it should be to everyone. Microsoft has shown time and time again that they will take advantage of any loopholes it can, and this settlement seems to be filled with them!

I urge you to seriously consider all the opposition to this settlement when making

your decision. The monopolistic behaviour of Microsoft has done more harm then good to the industry in the past. Giving them a simple slap on the wrist now will encourage them to continue this behaviour.

...Izzy

MTC–00025117

From: Tony Cizerle
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

The heck with everyone worried about losing their ''comfort zone'' that Microshaft HAS illegally woven then into—so they therefor don't want the beast bothered—MicroShaft broke (breaks) the law and NOTHING is done to them.

C'mon—All computers should be able to be PURCHASED WITHOUT any company's software on them—We should not be FORCED by MicroShaft and the DOJ to continue putting up with this illegal garbage...

Dell and all the other mfgrs were BLACKMAILED by MS!!!

Tony Cizerle
http://www.computerbay.com
t@computerbay.com <NEW>
Phone: 602–265–1529 <NEW>
Fax: 602.532.7286

MTC–00025118

From: MikeAaron1@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

Dear Antitrust Division,

I am writing to contribute my comments to the public comments being accepted regarding hte Microsoft Antitrust matter. It appears as if Microsoft is barely being punished for its monopolistic practices. I recommend stiffer penalities including the decoupling of products from their operating system. Is the Internet browser necessarily an integral part of the operating system? Is MSN part of their operating system? Is Windows Media Player part of their operating system? Should Microsoft be allowed to continue bundling these products with their OS to the exclusion of competing products?

This bundling creates a barrier to other software developers. If there is something that comes in Windows on your computer and is presented to you, you will be apt to click the defaults and end up using Microsoft products and subscribing to Microsoft services. This all happens without people knowing there are choices. My father in law and grandmother are not computer experts. They can be hearded around dialog boxes and windows to fulfill Microsoft business plans.

Creating an environment for competitive products to have a chance would help individual developers and small startups achieve economic success. Thanks you for the opportunity to comment.

Mike Aaron

MTC–00025119

From: Frank Devlin
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a very satisfied user of Microsoft products for many years I believe that the Justice Department suit against the firm was misguided at best. I don't believe the firm has done any wrong to consumers. Consequently, no DOJ actions should be taken against the firm.

Sincerely,
Frank Choltco-Devlin
7175 Horton Road
Hamilton, NY 13346

MTC–00025120

From: Jeremiah C.
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

I strongly support the government in the anti-trust trial. Companies in the past were broken and yet Microsoft wants to get away with a mere billion dollars. Hit Microsoft hard where it really counts: in the bank. Force Microsoft to pay 50 billion dollars (their quarterly revenue) over a year for schools to buy any technologies and forbid any agreements between Microsoft and PC manufacturers to bundle an OS with a computer. I scoff at any settlement that will not change Microsoft deposition towards consumers and competition.

Warm regards,
Jeremiah Cohick

MTC–00025121

From: JEROME TEEVENS
To: Microsoft ATR
Date: 1/25/02 5:36pm
Subject: Microsoft Settlement

There is not much more to add except that it would truely be sad if Microsoft were allowed to continue the practices that limit consumer's choices. The settlement seems to do very little to improve the situation.

PeoplePC: It's for people. And it's just smart.

http://www.peoplepc.com

MTC–00025122

From: Chad Redman
To: Microsoft ATR
Date: 1/25/02 5:38pm
Subject: Microsoft Settlement

MTC–00025122—0001

Dear Sirs,

I would like to add my voice to those who are against the lenient terms of this settlement. For a reasonable non-sociopathic business, one would expect that once they had agreed to the terms, they would follow its intent. But it is clear from past behavior that Microsoft will find any feasible loophole, and barring that, will violate the terms outright. It has shown this not only by **violating a previous consent decree**, but by bundling even more software with its latest operating system, and rushing it out to vendors before the DoJ could restrain it. Most of the specific arguments against the proposal have been expressed more elegantly by Dan Kegel (http://www.kegel.com/remedy/remedy2.html). Although the potential loopholes I point out below may sound absurd, Microsoft has demonstrated that it does not shy from ''creative'' legal interpretations.

From: III. Prohibited Conduct

(sec. A)

...Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure ....

Nothing requires that Microsoft's reason be valid. A trumped up complaint could be issued, possibly one which the OEM cannot comply with. After 30 days, the OEM is not licensed. (sec. D)

...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...

The groups listed are a subset of all possible users. Can MS exclude anyone from joining MSDN? And what is the cost of joining. For programmers creating cost-free software, is the subscription price prohibitive? Is someone with access constrained from sharing it with others who are not members? Are users constrained in any way in the use of the APIs, such as in creating software under the Free Software Foundations GPL, or in an open source project, such as Linux or Wine, both MS competitors.

... 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. Meanwhile, all MS project teams can access the APIs at any time earlier than this, which it can use to get ahead of competing products. This is why the term ''Chinese wall'' gets invoked a lot, and why the proposed remedy was to split the company into OS and software companies. (III.J.2)

c. meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business Microsoft may argue that cost-free or open source software creators are not viable businesses. In fact, they have publicly stated as much already. IV.B.3

Within 7 days of entry of this Final Judgment, the Plaintiffs as a group and Microsoft shall each select one member of the TC, and those two members shall then select the third member. I don't know why MS needs to be involved in this. The TC members are to assist the plaintiffs in the enforcement that the judgment grants them. The Plaintiffs should be able to choose whomever they feel would do the best job at assisting them, hostile to MS or not, as long as their oversight does not violate privacy protections this document grants to MS. How would an MS-chosen TC be helpful to the Plaintiffs? (v)

1. Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court. 5 years is not enough.

2. 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 7 years is not enough. (VI)

B. ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. It should also include MS server products; i.e., tasks between a Microsoft Product and a *client* operating system product. This would include the hypothetical case where an MS online service ''embraces and extends'' existing internet protocols. Really, this definition should just define it as information exchange between two machines or applications, independent of where the machines are or whose OS is on them.

I. ''ISV'' means an entity other than Microsoft that is engaged in the development or marketing of software products. I presume the V in ISV stands for vendor. If someone creates a product that he gives away for free instead of sell, is he still an ISV J. ''Microsoft Middleware'' means software code that ... 2. is Trademarked;

Software code may be copyrighted, not trademarked. I would think this means software product, not code. Oddly, definition (K) does defines ''Microsoft Middleware Product'' separately, but as a rather narrow set of products. P. ''Operating System'' means the software code that, inter alia, (i) controls the allocation and usage of hardware resources (such as the microprocessor and various peripheral devices) of a Personal Computer, (ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, and (iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications.

Does this mean that MS does not consider a web browser, MSN services, links to MS's preferred online photo developers, or Minesweeper part of the operating system? Q. ''Personal Computer'' means any computer configured so that its primary purpose is for use by one person at a time, that uses a video display and keyboard (whether or not that video display and keyboard is included) and that contains an Intel x86 compatible (or successor) microprocessor.

Servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.

MTC–00025122–0003

It is significant that this does not cover server computers such as web servers, and excludes handheld computers or PDAs. And what's the difference between these last two? R. ''Timely Manner'' means at the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.

Why is it important that MS be allowed to withhold information until that point? Surely, anyone can benefit from the information, even if it is subject to change.

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.

The acts this judgment remedies were taken by Microsoft the Corporation. Therefore, all MS products should be covered, not just this very limited group. In addition to the above specific criticisms, I would like to see protections for freely available operating systems (e.g., Linux) and open source software at least mentioned in the judgment. MS has targeted Linux and open source software as its current primary threats, and will use any tactic within its disposable to extinguish these competitors. For example, a new MS practice is to construct licenses (whether or not for a product covered by the judgment) that specify that the user cannot use a product to create ''viral'' software, which is specifically targeted at open source software covered by the Free Software Foundation's GPL (MS does or did have such a license for one of its handheld product developer kits).

Thank you for your consideration,
Chad Redman chad.redman@yale.edu
ITS/Admin. Sys., Yale University
00025122—0004

MTC–00025124

From: eric@saddleback.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

Please approve the proposed settlement so this entire issue is put to rest. While no settlement is perfect, this one seems to be quite fair. I think Microsoft should be left alone to produce world class software and that their competitors should do the same instead of dragging this whole thing out.

I think it is in the public interest to approve this settlement so we can all move ahead without further tax dollars spent on this case.

Eric Busby
Foothill Ranch, CA
CC:eric@saddleback.com@inetgw

MTC–00025125

From: Michael Detlefsen
To: Microsoft ATR
Date: 1/25/02 5:40pm
Subject: Microsoft settlement

I think the proposed settlement with Microsoft is a bad idea. Microsoft has shown by their behavior over a number of years that they will ignore any government orders that they do not want to obey.

I was appalled when I read that Microsoft said they wouldn't agree to proposed remedies. This is just another example or the continuing arrogance of the top people of the company. Defendants don't have to agree with remedies ordered by a court, they just have to follow them. Or it was this way last time I checked. If I were in court, I certainly wouldn't get to pick and choose my punishment, why should they?

If they are not handed a remedy that will change their behavior, then they will finally know for certain that they can get away with anything. They should be punished for not only their current behavior, but for not following previous remedies.

It's not very hard to see that their behavior has resulted in severely restricted choices in available software packages over the last ten years. It's hard to see how this situation is of any benefit to consumers.

Mike Detlefsen

MTC–00025126

From: Mike Prettyman
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

To Whom it may concern,

Where to begin? There are so many pages of documentation regarding this case I honestly have only had time to briefly glance over some of it since I have work to do. However, given the information that I have obtained, and based on my own experience in multiple areas of the computer industry over the past years (I was a tech for a small OEM for a few years, then I went on to work for a prominent ISP,Earthlink , as a technician, and currently I am working for a midrange/mainframe broker) I certainly feel that Microsoft is clearly getting the short end of the stick so to speak.

I have no affiliation with Microsoft, nor am I receiving compensation of any sort for voicing my opinion in their favor. What other product on the market is so open that the vast majority of competitors products will function on said product(s). Can you walk into a Ford dealer and ask for a Chevy motor in your new ranger pickup truck? Ok, how about all the onboard computers that control features such as fuel injection systems, traction control, etc? If you believe that Honda has superior electronics can you ask for them in your Dodge? I think you'd get laughed out of the dealership plain and simple.

Now lets take a look at other computer products on the market as a comparison shall we? If I purchase an SGI and want to run down to Best Buy to purchase the latest accounting software to do my taxes will it run on my machine? No. Ok how about if I go get a new video card and more RAM, will it just drop right in and will I be up and running in minutes? No. I would be forced into buying proprietary applications AND hardware if I wanted to add more functionality to my base machine... But I really like the IRIX operating system, wont it run on my PC? No. The same can be said about Sun Microsystems, IBM, and even Macintosh (apple) to an extent. All of the aforementioned systems are closed, proprietary systems that offer an enduser little flexibility and very little in the way of an upgrade path. I don see anyone screaming foul where the other company's are concerned.

Now an ''industry standard'' has been established. Obviously the bar has been set in terms of performance, flexibility, and a user friendly interface. Is it Microsoft's fault that no other company has even come close to creating a product that can compete on even ground? Do they owe a competitor anything? Should they be forced to fully reveal their API so that other's can steal it, and tap into their bread and butter product? I personally, as well as many of my associates, would answer a resounding NO! That's like forcing coke to disclose what their secret formula is and to go a step further, include a can of Pepsi in every six-pack in the name of ''what's good for the consumer''. Please let products stand on their merit instead of trying to make everyone ''play nice and friendly''. The world of big business isn't for the weak, and if a company cannot stand the heat, they should look to get out of software development since its a very cut throat industry.

Surely you will get many email's from people with something at stake (IE: Financial gain if they can force their way into the market by riding Microsofts coat tails into an industry instead of innovating new ''must have'' products) but you must see them for what they truly are.

Sincerely,
Mike Prettyman

MTC–00025127

From: Les Clark
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft

I do not agree with the proposed settlement of the Microsoft case. The company has exceeded every limit of decency, pushed legalities to the edge, expressed contempt for the prior settlement against them, and continues in its monopolistic and exploitative ways. It expresses the worst of commerce and the ways in which it operates are most definitely not in the interest of consumers.

MTC–00025128

From: pvieites@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

My name is Pete Vieites and I am an avid consumer of somputer software from various companies. I agree with the settlement actions and feel it's in the publics best interest. It's time for all companies involved to move on and concentrate their efforts on building better products that we demand. For the record, Microsoft's products, have never harmed the consumer. However, this ongoing bickering between Microsoft, the states (as well as the competitors companies they represent) and the Justice department are doing more harm than good.

CC:pvieites@hotmail.com@inetgw

MTC–00025131

From: CMS
To: Microsoft ATR
Date: 1/25/02 5:45pm
Subject: Microsoft Settlement

I feel the current proposed settlement is a very bad idea. It will only reinforce Microsoft's monopoly in the long term. This will only make it more difficult for competition to exist and it will leave the country and the world in a worse position than it is now with regard to Microsoft.

It is my hope that the settlement will be reevaluated and changed into something that solves the monopoly problem, instead of being something that essentially ignores the issue.

Thank you,
CS

MTC–00025132

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:46pm
Subject: Microsoft Settlement
Sandra Walker
229 Lee Street Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
Sandra Walker

MTC–00025133

From: Paul Mugar
To: Microsoft ATR
Date: 1/25/02 5:44pm
Subject: Re: Microsoft Settlement Letter

——Original Message ——-
From: Paul Mugar
To: microsoft.atr@usdoj.gov
Sent: Friday, January 25, 2002 2:17 PM
Subject: Microsoft Settlement 2 Inez Street
Camarillo, CA 93012
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of this month on whether the proposed Microsoft settlement will benefit the public. I believe it's fine as long as Microsoft is left standing, when it's all said and done. If the nine states are allowed to overturn the agreement and move ahead with additional litigation, it could take another three years and billions in legal expenses all incurred by the consumers and the taxpayers. How is that a benefit?

Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. The Company has also 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. From this one could see that Microsoft is more than willing to cooperate in order to resolve this issue. I urge you to end this now. No more action should be taken at the Federal level.

Sincerely,
H. Mugar
cc: Representative Elton Gallegly
CC:Gallegly Elton

MTC–00025134

From: Mark.Varsel@frit.frb.org@inetgw
To: Microsoft ATR
Date: 1/25/02 5:46pm
Subject: Microsoft Settlement

Dear Sir,

Any settlement with Microsoft, short of breaking the corporation into smaller business units, is a mistake. As much as Bill Gates would like to contend that Microsoft has advanced personal computing, his company has done immeasurable damage to the PC industry. Microsoft has stifled innovation with its practice of buying the competition. For years, if Microsoft could not successfully compete with a company, they bought the company and shut it down. This practice is easily demonstrated by Microsoft's inferior implementation of data compression and memory management. Microsoft first incorporated data compression into its Windows operating system, which put Stacker Electronics out of business. Microsoft offered its version of disk compression for free. The Quarterdeck Company had superior memory management utilities (QEMM) and multi-tasking software. Microsoft incorporated inferior memory management capabilities into its OS which led to the downfall of Quarterdeck and forever stifled further innovations in each of these areas. In the same way, Microsoft has unfairly crippled Netscape by incorporating its inferior web browser into its OS. Giving away an inferior product that will get a user by is a sure way to stifle further innovation. Stifling innovation at the expense of limiting competition is wrong.

Unfortunately, with the current state of computing, most users will never know what innovations and advancements would have been possible had Microsoft not had a free hand to kill the competition with the power of its monopoly. It is for this very reason that monopolies are illegal.

The government should not give in to Microsoft and Microsoft should be forced to pay for the damage that has been done to the PC industry.

Sincerely,
Mark Varsel

MTC–00025135

From: Frances Burmeister
To: Microsoft ATR
Date: 1/25/02 5:46pm

Subject: Microsoft Settlement

I am absolutely convinced that the settlement recently arrived at between the Microsoft, DOJ, and nine states is more than sufficiently harsh to cover any improper competetive practices they may have used.

It is also critical to consider the enormous good that Microsoft has achieved for not only millions of consumers but also thousands and thousands of business. Microsoft provides top quality applications which have provided benefit to many many users over the years. In addition, by providing a solid, widely accepted development environment, it has made it possible for thousands of small businesses to grow, flourish, and prosper.

I work for one such company and am far more concerned about the serious damage to our business and those thousands of others if Microsoft is restrained from innovating or is so harshly punished that they cannot afford to continue their top quality development efforts.

Frances A. Burmeister
1120 East Madison
Fairfield, Iowa
52556

MTC–00025136

From: G. Del Merritt
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement

Dear Renata B. Hesse or To Whom It May Concern—

I offer the following comments on the ''Stipulation and Revised Proposed Final Judgment (11/06/2001)'': http://www.usdoj.gov/atr/cases/f9400/9495.htm

Specifically:

—Under the ''Prohibited Conduct'' section, III.J, concerning the requirements of when Microsoft can/must disclose APIs or Documentation, too much latitude is given to Microsoft by both paragraphs 1 and 2. They can ''spin'' or re-implement almost any documentation or API such that it could be labeled as potentially able to compromise the overall security of the system. The explanation of this section in http://www.usdoj.gov/atr/cases/f9500/9549.htm is of some use here, but I do not feel comfortable with the wording of the Final Judgement itself.

—I fear that section IV.B, ''Appointment of a Technical Committee'', is destined to failure. Because of the breadth of Microsoft's presence in the software technology sector, just about any non-academic who has technical knowledge can be considered either a competitor of Microsoft or a likely employee/contractor of them. This makes item # 2 difficult to resolve.

—Also in section IV.B, I feel that items 9 and 10 are counterproductive to reigning in Microsoft's practices; without being able to report to the public further transgressions, there are no teeth to the committee. This, I presume, is exactly what Microsoft wants.

—Under section V.B, ''Termination'', I feel that should Microsoft be found to willfully engage in a pattern of further abuse, the clock should be reset: there should be no ''one-time extension'' of the remedies. Instead, each infraction can set up a brand new 5-year plan for monitoring Microsoft; there should be no limit to the number of extensions requested.

Throughout this case, and in general, Microsoft's practices have been clearly documented as irresponsible and anti-competitive. There are times when you have to make up for the harm you have done to others; this is one of those times for Microsoft.

—Del Merritt
10 Belknap Point Road
Damariscotta, ME 04543

MTC–00025137

From: Jason Paul Kazarian
To: Microsoft ATR
Date: 1/25/02 5:47pm
Subject: Tunney Act Comment

Microsoft used its monopoly power in one market, namely that for personal computer operating systems, to boost its market share in another market, namely personal computer application software. This practice is illegal. The finding of fact that the preceeding is true was also upheld on appeal.

The court must break the tie. Microsoft has a right to its operating system monopoly but not its application software business: Microsoft engaged in an illegal practice to build and nurture that business.

Any remedy that does not include breaking this tie allows Microsoft to continue operating in violation of the Sherman Anti-Trust act. Such a settlement must not be considered. =====

Jason Paul Kazarian
Email: jpkazarian@leftbrainedgeeks.com
Web: http://leftbrainedgeeks.com/

MTC–00025138

From: John G. Miller
To: Microsoft ATR
Date: 1/25/02 5:47pm
Subject: Microsoft Settlement
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The antitrust suit against Microsoft has not had an adverse affect upon my technology-based company as of yet, but if this suit were to continue, it would surely affect it. In a worst-case scenario, if Microsoft were broken up, I could go out of business, even though I am not employed by Microsoft.

There are probably thousands of businesses like mine that would face the same problem. The settlement that was reached between Microsoft and Department of Justice promises to prevent any adverse effects if litigation is stopped.

Under the settlement, Microsoft has agreed not to retaliate against any computer makers if they ship software that would compete with its Windows operating system. Microsoft has also agreed to make all future versions of Windows to be compatible with non-Microsoft products. The settlement also establishes a three-person ''Technical Committee'' that will monitor Microsoft's compliance to it.

I also do not want to see Microsoft forced to open the code for Windows* to the world. I would not want to be forced to buy my software from India, Germany, Japan or China. If you think that opening the source code to Windows* will help Microsoft's competitors, what do you think it will do to those same competitors when they have to compete with companies in other countries.

To continue litigation is to squander all the time and money spent formulating this settlement. The government must not waste such scarce resources amid recession. I urge you confirm this settlement and allow the industry to move ahead.

Sincerely,
John G Miller
President

MTC–00025139

From: Amy Ayer
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement

I was disturbed to learn that the proposed settlement does not include strong requirements that Microsoft document exactly how its operating system works, releasing the information immediately after each change, so that other software companies can design software to run reliably under Microsoft operating systems.

As a professional software instructor, I have observed that many fine programs such as Adobe Photoshop and the Corel office suite run unreliably under Windows, even though Photoshop runs beautifully on Macintoshes and the Microsoft office suite displays far fewer problems.

I believe Microsoft has a history of keeping specifications secret and writing non-standard code (e.g. the scandal a few months ago when they designed www.msn.com to run badly on the Opera browser) as a way of forcing people to use their products rather than superior products by other companies. This is an abuse of power gained by their monopoly on operating systems.

Please alter the judgement to include

1) Clear and full documentation of Windows

2) Clear and full documentation of Microsoft applications, so they can be run on other operatings systems.

Sincerely yours,
Amelia Ayer

Norwich, CT MSN Photos is the easiest way to share and print your photos: http://photos.msn.com/support/worldwide.aspx

MTC–00025140

From: MARK GHALY
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement.

MTC–00025140 0001

Mark Ghaly
4452 141st Avenue SE
Bellevue, WA 98006–2310
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001
January 23, 2002

Dear Mr. Ashcroft:

In ancient Greece, a good Athenian is the one that would leave Athens better than he found it. This is precisely why I am writing you this letter. Microsoft can only be accused of democratizing the personal computer. The operating system Windows has enhanced

productivity of the PC and made computing available to any one who cared to use it with minimal required skills.

Prior to Windows OS. One was a captive hostage to Apple PC with its planned obsolescence, unless one was willing to invest innumerable hours to learn DOS. I feel that Windows was a gift to us [non-computer literate] and has made computing to the average person easy, intuitive and painless. If we did not have Windows probably we would have had various competing software with a mass confusion in the market.

I am writing you to urge you and the federal government to endorse and implement the proposed settlement plan in the anti-trust case against Microsoft.

The settlement will, I think justly, allow the company to remain a single corporate entity. In view of the enormous contributions Microsoft has made to the IT industry, this a proper response to deeds done and hopefully a harbinger of future good works. Right now the industry needs a stimulant badly.

The government's plan asks a steep price for the company's continued existence. Microsoft will have to open itself up to its competitors in many ways. Windows will no longer be its sole province, nor its marketplace Trojan horse. Windows will now be configured so as to not just accept but promote others software. A government oversight committee will ensure that the company no longer engages in anti-competitive practices.

In short, I believe that the settlement is a proper workable compromise. Please support this plan. I trust and I hope that the motto of the classical Athenian would prevail
00025140—0002
I of 2 01/29/2002 3:59 [
Sincerely,
Mark Ghaly
Get your FREE download of MSN Explorer at http://explorer.msn.com.
00025140——0003
01/29/2002 3:59 I

MTC–00025141

From: Joan Baskett
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

U.S. Department of Justice,

My husband and I want you to know that, as taxpayers and consumers, we strongly support the Microsoft settlement. Please approve the settlement today!

Thank you for your consideration of our views.

Sincerely,
Ferol & Joan Baskett
7338 S.E. Berryton Rd.
Berryton, KS 66409

MTC–00025142

From: Stephen Quinn
To: Microsoft ATR
Date: 1/25/02 5:49pm
Subject: Microsoft Settlement

I think the government has dragged Microsoft through the mud long enough. Let America get back to business and start by finishing this case with Microsoft.

Thank you for your consideration. S. Quinn

MTC–00025143

From: jhartley3@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:47pm
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,
John Hartley
1154 Londonberry Lane
Glrn Ellyn, IL 60137–6110

MTC–00025144

From: Thomas Crook
To: Microsoft ATR
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement.
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

In accordance with the Tunney act I would like to comment on the Proposed Final Judgment (PFJ: http://www.usdoj.gov/atr/cases/f9400/9495.htm) in the United States of America vs. Microsoft case. I am concerned that so many loopholes are left open in the language of the PFJ that it will be largely ineffective for its stated purpose.

My name is Thomas Crook. I am a US citizen currently living in Sydney Australia and working for a small computer software company with US, UK and Australian offices. I have been involved in the computer industry in some form since the late 1970's and have followed the rise of Microsoft almost since its inception. I have many years experience working as a software engineer and computer scientist. In addition, I have an MBA and studied marketing and economics at the doctoral level for several years.

I have taught university undergraduate and masters classes in business and economics faculties at the University of Utah and the University of Sydney.

An Instance of Consumer Harm and a PFJ Loophole

I start by relating a personal example of a specific harm to consumers arising from the Microsoft monopoly: A few years ago my University department decided that we wanted to move all our computers from Windows 95 and 98 to Windows NT. We also planned to buy some new computers.

Under our University agreement with Microsoft, we purchased Windows NT licenses to cover our existing departmental computers. The agreement required us to buy licenses in multiples of five and we ended up with surplus licenses that we anticipated would be used on newly acquired machines. When the time came to purchase the new computers, we were disappointed to find that well known vendors such as Dell computer would not sell us small quantities of computers without Microsoft Windows licenses. We were forced to purchase software licenses that we would never use. From published press accounts, I subsequently understood that this was required under OEM contracts with Microsoft.

Section III G of the PFJ initially addresses the harm we suffered in this instance, but then immediately offers a gaping loophole!

G. Microsoft shall not enter into any agreement with: 1. 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

Based on Microsoft's past actions, I anticipate that this loophole will be used to ensure that in practice nothing will change and that ordinary consumers will not be able to purchase computers without a Microsoft operating system. (Indeed, I just did a quick online survey of major mail-order hardware vendors and could find none selling a computer without a Microsoft operating system). This loophole should be removed. A Second Instance of Consumer Harm not Addressed by the PFJ

Going back to my personal anecdote: the least expensive way we could purchase our new computers was to buy them with Windows 98. As soon as the new machines arrived, I installed Windows NT on them. We never used the Windows 98 license on the new machines. Further compounding our injury, I noted that the End User License Agreement that came with the Windows 98 prohibited us from using it on a different computer than the one we purchased it with. Contrast this with the case of computer hardware. If I purchased a new computer which came with a modem, and I already had a modem, no one would even think of objecting if I used the new modem on a different machine or turned around and resold it to someone else. Economic theory would argue that such restrictive licensing could only be viably exist in a very imperfect market (e.g. a monopolistic one). Indeed, at the time, given a choice, I would have gladly purchased a functionally-equivalent non-Microsoft product that had no such onerous licensing stipulations—had one existed. I note that the PFJ does not address the type of consumer harm we suffered in this

instance. Consumers should not be forced to purchase software they don't need and should be free to resell software they cannot use.

Exclusion of Not-For-Profit Organizations from the Terms of the PFJ PBS columnist Robert X. Cringely noted that ''not-for-profit organizations have no rights at all under the proposed settlement.'' (See http://www.pbs.org/cringely/ pulpit/ pulpit20011206.html.) This is an egregious failing. Microsoft has through means fair and foul managed to eliminate the bulk of its for-profit competitors over the years. It has had a harder time dealing with not-for-profit entities. This is not for lack of trying. In the past two years Microsoft has begun to move against the open source movement, as evidenced by its spokespersons using perjoritive terms such as ''viral'' when referring to certain open source licenses. The PFJ must be altered such that these true competitors are not shut out.

My Agreement with Others'' Comments

(1) Codeweavers CEO Jeremy P. White (http://www.codeweavers.com/ jwhite/ tunneywine.html) noted weaknesses in the PFJ that would allow Microsoft to undermine the Wine project, an important initiative in restoring competition to the personal computer operating system market.

(2) Dan Kegel noted a number of problems with the PFJ in its current form (http://www.kegel.com/remedy/remedy2.html) I agree with the points he makes.

It is my strong belief that the PFJ in its current form will be largely ineffectual and should not go forward.

Sincerely

Thomas Crook

Engineering Manager

MTC–00025145

From: David Dehghan
To: Microsoft ATR
Date: 1/25/02 5:50pm
Subject: Microsoft Settlement

Please settle this case. Don't waste more time and money. ———— MSN Photos is the easiest way to share and print your photos: http://photos.msn.com/support/ worldwide.aspx

MTC–00025146

From: RKH110833@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement

The settlement IS in the public interest! I am an AOL subscriber (I don't know about much longer) but I use MS Internet Explorer consistently & don't like to be told (by AOL or Netscape) that I have to use an operating system without Internet Explorer! Richard K. Haynes

MTC–00025148

From: cgreyw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:50pm
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,

Christina Greywitt

1914 Coe's Post Run Westlake, OH 44145–2021

MTC–00025149

From: Kris Klindworth
To: Microsoft ATR
Date: 1/25/02 6:04pm
Subject: Microsoft Settlement

Dear Sirs,

As a professional in the information technology industry, I must respectfully protest the proposed settlement in the Microsoft anti-trust case. This is a company that has been convicted of violating the anti-trust laws at the very time it was under an anti-trust related consent decree. They are a monopoly, they have ignored the law, and I absolutely believe that they have purposefully presented false and misleading testimony under oath. They will continue to do so under this settlement. The difference is that they won't be breaking the law any more because this settlement will give them permission to do these things.

I have read many commentaries which explore the huge and empowering holes this settlement opens for Microsoft, but I will point you to only two that state the case so much better than I could. http://www.kegel.com/remedy/remedy2.html http://www.pbs.org/cringely/pulpit/ pulpit20011206.html

You will no doubt have received many emails in support of this settlement from people who have a financial interest in the success of Microsoft. They have no doubt argued that it is in our counties best interest to accept this settlement and put this thing behind us. The problem is that it is neither in our best interest nor will it put this behind us. Our nations interest is best served by a free and open market.

This agreement would only pave the way for Microsoft to consolidate the monopolies it currently holds and use them to move into other areas that they currently have a presence in, but do not yet control. This agreement is not about the past, but about the future and that is what scares me most.

By the way, I should mention that I am speaking here as an individual and a professional, but not on behalf of my employer. Thank you for your time and consideration.

Sincerely,

Kristopher K. Klindworth

Database Administrator

Carle Clinic Association

Urbana, Illinois.

MTC–00025150

From: dale—meredith@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:53pm
Subject: Microsoft Settlement

It's my opinion that Microsoft fulfilled the demands of it's customers. I personally am appalled at the actions of the states that were involved in the suit.

Microsoft has allowed other high tech companies to flourish and has pushed the technology to where it is today. If it were not for Microsoft I feel that we would be putting with substandard software, hardware and interfaces.

The government in this case is ''shooting'' itself in the foot by punishing a company that has done nothing but answer the requests of its customers. Having worked within the computer industry for the past 10 years, I have seen Microsoft make decision and implement marketing strategies, that those that complain only wish they would/could have made. Shame on all of you for damaging this company and trying make Microsoft ''suffer''.

I will make Microsoft my prime software vendor, and I will STOP purchasing products from the companies that have done nothing but whine and complain like children about this suit.

My voting and financial donations this year will also reflect my opinion.

—Dale Meredith

CC:dale—meredith@hotmail.com@inetgw

MTC–00025151

From: cgreyw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:51pm
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,

Christina Greywitt

1914 Coe's Post Run

Westlake, OH 44145–2021

MTC–00025152

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:54pm
Subject: Microsoft Settlement

David Walker
229 Lee Street
Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
David Walker

MTC–00025153

From: kburt2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:53pm
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,
Kenneth Burt
17 Bel Aire Ave.
Merrimack, NH 03054–3712

MTC–00025154

From: Todd Henderson
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft
CC: tormist@ag. state.ia.us@inetgw
MTC–00025154 0001
January 22, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kollar-Kotelly:

As a small businessman that has been active in the Iowa political process for years, I write to you today because I have come to feel strongly about the Microsoft antitrust case. I feel that the U.S. Department of Justice is trying to settle this case in a manner that does not adequately represent the citizens of this country, let alone the international community.

If my information is correct, Microsoft has already been found to engage in practices that violate antitrust laws, and they should not be exempt, just as I am not exempt. If Microsoft does not like the present scope of antitrust laws, they need to work to have Congress change them, not arbitrarily do as they please. The Justice Department's attempt to settle this case only reinforces their monopoly.

I do not intend to ramble on about all the issues of this broad reaching case that disturbs me, but feel that the very fact that I have this opportunity to be heard, and to have Iowa Attorney General Tom Miller and his staff take an active role in challenging the U.S. Justice Department, is reassuring.

I was taught as a child that a punishment must fit the crime. It appears the U.S. Department of Justice does not hold this belief. Thank you for your time.

Sincerely
Todd Henderson
Cedar Rapids, Iowa
Cc: Attorney General Tom Miller
MTC–00025154—0002

MTC–00025155

From: Bill Beyer
To: ''Microsoft.atr (a)usdoj.gov''
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am writing as a concerned citizen regarding the Microsoft Antitrust Case.

Over the past several years the Microsoft Antitrust Case has been litigated on both the State and Federal level. Recently the Federal government and 9 states have reached an agreement with Microsoft. I believe coming to settlement with Microsoft is good for consumers, the industry and most importantly the American economy. Now is NOT the time to continue litigation on this case. Doing so only benefits the lawyers and a handful of wealthy competitors. More importantly prolonged litigation on this case negatively affects consumers, the industry and the American economy.

Please settle this case now as I believe it is in the people's best interests.

Bill Beyer,
707 West 4th St. #25,
Long Beach, CA 90802

MTC–00025156

From: David Gilman
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft Settlement

I'm not sure if I've sent you email before or not but in either case... Please settle this lawsuit as quickly as possible. It has been a total waste from the beginning. Microsoft never harmed consumers. The case was a brilliant move but their competitors who were, and continue to be, unable to compete in the open market. Microsoft is being punished for being successful. The case has damaged the economy and the entrepreneurial spirit in the hi-tech industry. The CASE and not Microsoft has damaged consumers.

Thanks,
djg

MTC–00025157

From: SPRURE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft Settlement—Please Do Not Delay Settlement
Hello:

I would like to voice my opinion of the Microsoft Settlement. I feel that this settlement is just and very fair for all parties in this matter. You have more important matters to take care of rather than to delay this settlement. Let Microsoft complete this settlement as stated so that they can get on with business. I bet if this settlement is granted the economy will begin to pick up pace shortly thereafter.

So, please grant the settlement because it is fair for all concerned.

Sincerely,
Russell Spruill and Family

MTC–00025158

From: railbender 30378304863059430702 @msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
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,
Richard Willett
534 West Cheyenne Road
Colorado Springs, CO 80906–2468

MTC–00025159

From: Claude Bravmann
To: Microsoft ATR
Date: 1/25/02 5:57pm
Subject: Microsoft Settlement
Gentlemen:

I feel that instead of constantly harassing Microsoft that the company should be

allowed to do business with as little outside/governmental interference as possible. We don't need more government interference, we need more and better products developed and marketed by companies that have the ability and desire to produce those products.

Claude S. Bravmann

MTC–00025160

From: Gordon Bane
To: Microsoft ATR
Date: 1/25/02 5:50pm
Subject: Microsoft Settlement

The settlement will be good for consumers and software manufactures and competitors

Gordon Bane

MTC–00025161

From: Shannon Vest
To: Microsoft ATR
Date: 1/25/02 5:59pm
Subject: Microsoft Settlement

Microsoft is the kind of company that Anti-trust laws were made for. Microsoft has a long history of making money from resources that were once traded freely among computer programmers.

Microsoft has hurt the computer industry through abusing their monopoly on operating systems. In a hundred years, history will bear this out I believe, as people start to examine the differences between the advances that were made against the advancements that COULD have been made in a more level market.

Look at the features in the first or second version of Word?, and look at the features in the current version. Are the tiny differences in productivity worth the thousands ($10,000+) that keeping your application up to speed with the ''new'' operating system will cost a single user?

NO!

But WE DON'T HAVE A CHOICE! Because of the nature of operating systems these days, a person HAS to upgrade, because inevitably, the simple updates to the system you've purchased will over time render your machine useless without the aforementioned ''new'' operating system that is always around the corner.

Microsoft has already done all the damage it can do. The settlement will reflect whether or not the Government can admit that damage. Please don't let them off the hook by giving them huge inroads to the education market.

Please show some common sense with dealing with this company. The government certainly have the people to understand what's going on. All that's left is to stand up for what is fair.

Sincerely,
Shannon Vest
Computer Programmer
Edmond, Oklahoma

MTC–00025162

From: Claudia Lively :)
To: Microsoft ATR
Date: 1/25/02 6:00pm
Subject: microsoft settlement

Please get this behind us BY SETTLING.

Our country has much more important issues than interfering with the successful business because of complaints by complainers. If we don't keep plunging ahead, we may belong to England again.

Thanks

MTC–00025163

From: kalawai@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: microsoft settlement

In the interest of the U.S. economy, please do not let disgruntled competitors use the courts instead of competing in the marketplace. This so-called ''browser war'' is ancient history. It is hurting the stock market recovery and the u.s. taxpayer as well.

Microsoft is an engine of economic growth...which we are in desperate need of now...as we try to recover from not only the effects of the recession, but the tragedy of 9/11.

ENOUGH LITIGATION. LET'S MOVE ON!

Jeanne Drury

MTC–00025164

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 6:01pm
Subject: Microsoft Settlement

In 1992, the General Electric Company was in the process of upgrading their local and wide area networks.

Key to the upgrade were ''best-of-breed'' software programs. The nuclear energy division (GENE) had hundreds of proprietary programs for design of nuclear systems and components and also had access to the UCLA statistical programs (Statpacks).

What else was needed by mighty GE? We needed an email program! Did we write the code ourselves? NO !!! We wanted the best and so we all had Microsft's email installed on our PCs. Thousands of us got the best, quickly; at a bargain price, and it worked right off the bat. NO DEBUGGING NECESSARY. Microsoft talks about the need for companies to have ''freedom to innovate''. They have demonstrated their technological expertise many times over and this nation is better off because they have used that freedom.

Curtailing that freedom would result in a serious loss by our nation

MTC–00025165

From: Tad
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: Microsoft Settlement
To Who it May Concern:

Pursuant to the Tunney Act, I am writing to advise that the proposed settlement of the United States vs. Microsoft antitrust case allows and even encourages anticompetitive practices to continue. The proposed settlement should not be adopted without substantial revision, and is not in the public interest. Of primary concern to me are the following issues which are not addressed in the proposed settlement (From Dan Kegel's analysis on the web at http://www.kegel.com/remedy/remedy2.html):

1. 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.

2. 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 News Alert, 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.'' would still allow use of non-microsoft (yet compatible) operating systems.

What is the use in allowing the development of Microsoft-compatible operating systems when Microsoft practices anti-competitive tactics to restrict the use of all other software? There are many other issues we should be concerned with. A more comprehensive list can be found in Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html.

Again, I would like to re-iterate that I am commenting on this proposed settlement as provided by the Tunney Act, and I do not feel that the proposed Microsoft settlement is in the best public interest, nor does it effectively prevent Microsoft from continuing anti-competitive practices.

Sincerely,
Tad L. Goetz
thentil@speakeasy.org
303.596.2105
Aurora, Colorado, USA

MTC–00025166

From: J. Joseph Loehr
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: worn out and sold out...

I write to express my absolute dismay and disgust with the proposed settlement.

It is unfathomable how our government could consider allowing Microsoft to escape basically intact, with what amounts to not much more than a ''slap on the hand, and please don't do it again''. If I were Bill Gates,

based on how much his company is convicted of doing, and how little he is being punished, after such a long, long delay, I don't think I'd hesitate to aggressively pursue the next opportunity to dominate and monopolize any market. If you think he will, you are sadly naive. As it is, I'm CEO of a small software company, and I and every single CEO of software companies I personally know is well aware of the fact that Microsoft is essentially escaping real and corrective penalties. They have literally decimated and intimidated 100's of software companies into irrelevance, and they do the same with customers, essentially controlling all the choices that are truly available to the typical business. Only the most advanced and astute businesses are able to function without absolute dependence on the Microsoft monopoly. And it will apparently continue. Nothing in this settlement brings significant recompense to the companies and customers who have injured by over 15 years of Microsoft predatory practices.

To have won the conviction against Microsoft was a great step forward. Unbelievably, you've chosen, on behalf of the American Public, to give back that advance in the current settlement. I thank God that there are still some state governments intelligent enough to recognize your capitulation, and who are refusing to settle. I can only imagine that politics have played into this significantly. Essentially, Microsoft's money and influence has resulted in a change of priority regarding pursuit of a Microsoft breakup. I want you to know that as a voting Republican, and small business owner, I am seething about the Justice department's cowardice and compromise in this matter. With unlimited resources and a guilty verdict already in your hand, you should be ashamed. You are supposed to protect the public and business community. In this, you have managed, tragically, to snatch defeat from the jaws of victory.

Joseph Loehr
CEO
PSO Profit Technologies

MTC–00025167

From: P. McDermott-Wells
To: Microsoft ATR
Date: 1/25/02 6:01pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

RE: Microsoft Settlement

I have been most disturbed by the Federal government's continued proceedings against Microsoft Corporation. In my opinion, the entire suit brought by the Federal government and several states was extremely ill-founded, and strikes a negative blow at the very heart of the free enterprise system through which this country has prospered.

I bought my first ?personal? computer in 1978. It was an Ohio Scientific brand, and it contained 3 separate CPUs and 3 separate operating systems. One of the operating systems was CP/M, which was the front-runner at that time. The second operating system was DOS (by Microsoft). I no longer remember the name of the third operating system, as it never became widely used. There was no ?standard? in PC operating systems at that time, but it was presumed at that time that CP/M would become the prevailing operating system.

Obviously, that did not happen. Microsoft's DOS and later its Windows operating system because the prevailing product in the market.

There are many reasons for this, including:

1. Superior feature content which was readily accepted by users

2. Wide selection of compatible application software, due to a programmer-friendly development interface

3. Availability of information to enable developers to write applications to run on this operating system

4. Affiliate and partnership programs with developers, software and hardware vendors

In short, Microsoft came to the forefront of the industry by offering ?a better mousetrap? than the competition. The Federal government itself has affirmed this fact by making Microsoft products its own desktop standards. (Our company had the privilege of delivering training on Microsoft products to all of the regional offices of the General Services Administration several years ago.)

Microsoft has contributed immensely to the prosperity of this country. And there are thousands of small businesses like ours that would probably not even exist today if we had not had the benefit of Microsoft's partner programs.

It is an extremely dangerous precedent to allow a competitor in the open market to bring suit when it fails to ?win? in the market place. Forcing a company to share its proprietary and confidential research and development information in order to allow its competitors to better compete squelches the free market initiative to invest in R&D. It also has a decidedly malodorous aura of Socialism.

In my opinion, this continued legal action is motivated as much by the anticipated revenues of the legal firms involved as by the competitors? wishes to gain marketplace by any means possible ? an obvious instance of the ?deep pockets? syndrome. Even though the settlement goes further than original complaints in the suit, Microsoft has chosen to settle so that it and the market can move forward. The settlement requires Microsoft to disclose information regarding how it develops it software. Microsoft has also agreed not retaliate against computer-makers that may ship software that would compete with its Windows operating system. Just these two remedies by themselves will have an enormous impact on Microsoft, but there are even more stipulations than that, as you are well aware.

Although I firmly believe that Microsoft should not even be subject to these settlement requirements because I believe it won the prevailing market position by offering superior products, it would be beneficial to the entire industry and to this country to confirm the current settlement agreement and move on to other issues. Therefore, we are urging you to confirm the current settlement agreement as soon as possible, and let the IT industry be free to develop products in an unfettered free enterprise environment.

Yours truly,
Pat McDermott-Wells, President
Mega-Data Services, Inc.
Tel. 561–798–3940
www.mega-data.com

MTC–00025168

From: Alexander Kalymon
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: Microsoft Settlement

Dear DOJ,

I believe that the terms of the terms of the antitrust settlement between the Department of Justice and Microsoft are reasonable and fair to all parties. It it critical for a speedy economic recovery of this great nation of ours that a companies such as Microsoft be permitted to continue to innovate and enhance their products in order to maintain their position of providing the favored software used by more computer users than any other around the world.

We need to put this behind us and move forward.

Respectfully,
Alexander Kalymon

MTC–00025169

From: C—Holloway@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Dear Renata Hesse

Thank you for reviewing my comments on the proposed Microsoft settlement. I have viewed the proposed Microsoft settlement and believe that largely serves consumers well. I believe that the settlement will prevent Microsoft from abusing its monopoly position but will still leave Microsoft room to continue innovating. Microsoft has brought some order to the chaos that ruled in the old days. I don t think that Microsoft should be penalized for that. Please respond so that I will know that you received my mail.

Sincerely
Charlie Holloway

MTC–00025170

From: bsuttn@rjsonline.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I suppport this settlement. Let's get on with it. Enough time and money has been spent already.

MTC–00025171

From: jonathan—
tolson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:05pm
Subject: Microsoft Settlement

The government can be helpful in many areas, international trade and diplomacy to name a few. But I believe in the new economy it has bitten off more then it should chew. The software industry is a grotesque anomaly of companies of yesterday and today, enemies, allies, and then enemies once again all merged into one. They are fighting together against a force which is unstoppable

by any government force this is time and progress. Every minute that passes the highly perishable goods of software become rotten. The wares must succeed or be trampled by big business, world political powers, or even little children on a PC.

This market is too dynamic to be understood and acted upon by any government, even one as progressive as ours. It is a valiant effort, however inhumane, to control such an animal in the way that has been done. Billions of dollars of progress have been misspent to defend against the possibility of massive controls.

Disservice has already been done to the United States and the rest of the world. Is more punishment necessary?

Jonathan Tolson
Tulsa, OK 74105

MTC–00025172

From: ky7x@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The government s suggested settlement is both fair and equitable. Please let it stand as is with finality.

MTC–00025173

From: steve—sodos@moldev.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I fully support the DOJ settlement on 11–3–01. Microsoft has led the PC revolution and should be congratulated for their significant achievements rather than sued. This entire antitrust action has been a blatant attempt by Microsoft s frustrated competitors to get the results in the courtroom that they have been unable to get in the marketplace.

MTC–00025174

From: bonwit69@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am appalled that a settlement cannot be reached. This is supposed to be America the home of capitalism and free enterprise. I vote for the settlement!

MTC–00025175

From: geschmierer@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am in favor of Microsoft being able to produce new tools . However this requires listening to the customers as to what they want. Currently it appears that Microsoft is not listening. There are several points that Microsoft needs to consider: 1) Do not be afraid of competition welcome it. Stop being afraid of Browsers currently if I had a choice I would choose IE. This one is a no brainer! 2)Licensing —A salmon swims upstream against the prevailing battle—yes they usually make it but then they die.

You can force your invasive licensing and .NET on the world and you may upset everyone doing it—then your company dies—think about it. 3) Cost of product vs pirating—a) let's face it there are some people out there that will steal no matter what b) there are those who want to comply but the cost is out of reach— consider $100 for FULL version of any OS except high end servers $100—$150 for FULL version of Office—offer larger discounts of multiple license (Home School and Business) c) Multiple computer families—either create a Home license (affordable) for multiple computers or lower the prices per CPU

Remember APPLE essentially built their customer base on students having MAC computers/software in the classroom. Personally Microsoft falls way short—steeper discounts for school. If Microsoft does not upset the customer with their attitude they won t care about competition—the majority of the customers will buy Microsoft products. I would hate to see that go away—What about you!

MTC–00025176

From: hui.wu@ncr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Support Microsoft and the settlement

MTC–00025177

From: epssr@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Lets leave MSN alone.

MTC–00025178

From: Louis.Sawyer@gnf.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am a long time IT professional with 36 years experience. I have participated in the evolution of information technology over a long period of time. I was there at the start of the personal computer revolution and have seen Microsoft become the world s largest software company—starting from that point—by making good decisions good products and competing effectively. From the beginning I was amazed by the antitrust action against Microsoft. End users and IT organizations have only benefitted from Microsoft's products. It's clear that the only entities that benefit from continued litigation are Micrsoft s competitors. It s time to bring this sorry chapter to an end by putting this settlement into effect and moving on. I'll always be amazed that my government chose to hold back a high growth business segment where we lead the world. A lot of damage has been done—let s cut our losses and move on. Thank you for your consideration.

MTC–00025179

From: bduke@dccpub.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I believe that Microsoft s innovations have played a very positive role in our develop as a technology leader and hope they are able to continue to innovate without undue restraints. I urge a settlement so that Microsoft and the Department of Justice can both focus on more pressing issues.

MTC–00025180

From: bigrandma@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I agree with the settlement

MTC–00025181

From: buttons@eaglebutton.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Gentlemen:

It is a pleasure to add my voice to those of millions of other Americans who are appalled at some of the steps being taken to harass a company that demonstrated to the entire world the advantages of our capitalistic system. Because of our system which rewards those who are innovative hard working and display leadership Microsoft Corporation has emerged as one of the leading companies not only in the United States but in the entire world. They have attained their position by innovative merchandising and superior products which they continue to update and improve while keeping their prices on a downward course. In addition Microsoft has created features which have facilitated the use of technical products especially among those who find it difficult to integrate these features when offered separately.

What more can our system ask of a company than to provide continually improving products that are on the cutting edge of technology at lower and lower prices and thereby increasing productivity and the well being of all our citizens. Those companies that were unable to compete in the market place because their products were less suitable and their merchandising less satisfactory were unsuccessful and companies such as Borland Novell Netscape and Word Perfect were in fact voted out by the American consumer. Why then at taxpayer expense are actions taken on behalf of other private companies such as those noted above and such companies as Sun Oracle and AOL to divert Microsoft from its mission of providing the best and most advanced technology to American business and consumers at ever lower prices? If these companies would devote their energie

MTC–00025182

From: auntmimi12@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Let s get over with this lawsuit and leave Microsoft alone. Our country is built on competition. I love Microsoft and there products.

Mary Ann Bullamore

MTC–00025183

From: jerryg@value.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I feel this is a more than fair settlement. If it is the consumer you are concerned about and not the competitions best interests then this should be done and over with and this settlement accepted.

MTC–00025184

From: rayh1933@aol.com@inetgw
To: Microsoft ATR

Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I approve of this settlement only because it brings to an end an ill advised and wrongful intrusion of the Department of Justice and the courts into the legitimate competitive ecomomic processes of industry.

MTC–00025185

From: nbleyer@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

My comments on U.S. vs. Microsoft. It is in the public s best interest to bring this settlement agreement with Microsoft to an end.

MTC–00025186

From: theblackotter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Microsoft has suffered enough under the government s Anti-Trust lawsuits. A company marketing low-price and high-quality wares is being sued by the government for driving its competitors into the ground with lower prices and free extra applications. Isn t this what capitalism is all about???

This madness needs to stop we are punishing people if they are successful in life! I hope you consider that by making this settlement happen you are also helping to solidify the stock market also. Since the crusade against Microsoft began 4 years ago its stock has been tumbling bringing along with it the Dow Jones.

MTC–00025187

From: cmnsy@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I was once in business and I couldn t compete. I had to take it on the chin and start over. No one rescued me. Why are the plaintiffs against Microsoft any different?

MTC–00025188

From: Marc Turkel
To: Microsoft ATR
Date: 1/25/02 6:04pm
Subject: Microsoft Settlement

Perhaps, as a Microsoft Employee, my input wouldn't be considered objective. However, as someone who lived and breathed the Mac OS platform for 10 years before becoming a Microsoft full time employee 5.5 years ago, I can tell you this company lives to improve the lives of consumers in every way, every day.

Respectfully stated, the DOJ anti-trust suit seems out of step with most of the American public or, more germane to the case, what consumers perceive about the value Microsoft delivers in today's marketplace. In my travels, talking to relatives and friends, many of whom are still running the Mac OS, there is the overwhelming sense that this lawsuit doesn't represent the best interests of consumers but rather, represents the special interests of smaller less successful companies. This then, would be an anti-trust case motivated by commercial interests; the DOJ is being leveraged as a competitive tool by those seeking an advantage in the marketplace. This is a cynical message for the public and the world from the architects of a free market economy.

Since we have a dominant operating system or platform, every electronic interaction consumers receive is compatible with the system you're running, Linux, Mac or Windows. The incentive for software developers to write interoperability in to their applications is not altruistic but economic. If there were no central operating system, we would live in a world of fragmented communication; indeed the very foundation of today's electronic infrastructure would be truncated and shriveled by comparison. In such a scenario, the ability for the average consumer to own, operate and enjoy a computer, would be practically non existent. Computers would still be niche item, enjoyed by a few, the value to society and unfulfilled promise.

The vision Bill Gates had was, ''A computer on every desk and in every home''. Although this vision is no longer operative at Microsoft, it is plausible that as a society we've arrived as close to this reality as is possible. Due to an economy of scale, prices of hardware and software have dropped while the power and functionality of these products has increased substantially.

Is Microsoft perfect? No. The best I could hope for is a pragmatic and systematic review of the value delivered by Microsoft to the public and the contribution Microsoft has made (directly and indirectly) to the experience of computing overall. Then, as duly elected officials, make decisions in the best interests of consumers and the American public. Reject the sour grapes of competitors who would gladly trade places with Microsoft if they could.

Sincerely Yours,
Marc A. Turkel
American Citizen
11221 75th Ave. NE
Kirkland, WA. 98034

MTC–00025189

From: doriswinfla@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Microsoft has done a great job and I think it should be treated fairly and justly. I am proud to be a user of this great company and trust it will not be bothered by further litigation.

Doris & Winnie Jacobson

MTC–00025190

From: bigelse436@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am FOR the settlement

MTC–00025191

From: kyowva@zoomnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I AM VERY SATISFIED WITH MICROSOFT AS MY SUPPLIER OF MY NEEDS TO OPERATE.

THEY ARE SUPERIOR TO ANY OTHERS THAT I HAVE USED. LEAVE THEM ALONE.

MTC–00025192

From: kennethjguy@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The government decision about Microsoft should be left alone

MTC–00025193

From: gary.mills@mkcorp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I beleive the action being taken by the DoJ is a proper one. Microsoft should allow OEM s to offer whatever packages they deem best for their customers. If Microsoft Middleware is as greate as MS believes it is then natural Free-market should determine that not the locking down of an OS level access.

I also content that Microsoft does have a great product for some uses and UNIX is good for other uses but that should be the determination of the end-user not the manufactorer of a product.

MTC–00025194

From: lpropheter@Yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The proposed settlement is a FARCE ! Microsoft should be PUNISHED not scolded !

MTC–00025195

From: jackhh1@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

It seems we have become a society of legal nit pickers. We need more latitude in business for inovation without looking over your shoulder for a potential law suit. Once a legal action is filed(which is a relatively trivial effort) it can generate millions in expenses and lost time for the defendant. There should be a better process to pre screen anti trust legal activity to prevent the non meritorious actions from causing the market place disruption that occur with examples such as the many Microsoft actions. I am sure a general public pole at this point would have very few supporters of continuing the Microsoft suits.

We are undisputed leaders in the world in a few areas software is one why screw it up.

JHH

MTC–00025197

From: talbers@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is O.K. Microsoft has done a lot for the computer and probably does it more economically than a bunch of little companies could do.

MTC–00025198

From: tandv1@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

AS A CONCERNED CITIZEN I WISH TO EXPRESS TO YOU THAT THIS

SETTLEMENT BE DONE AND OVER WITH..WE HAVE SPENT ENOUGH TIME ON THIS. I CAN ONLY SAY THAT I HAVE NO LOVE FOR BILL GATES OR MICROSOFT BUT FEEL WE SHOULD SETTLE AND BE DONE WITH THIS...
THANK YOU

MTC–00025199

From: vrandall@grand.state.ut.us@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
SETTLE IT AND LET THE COMPANY GET ON WITH RESEARCH AND BUSINESS

MTC–00025200

From: billpucci@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
Please let Microsft alone.This is a country of inovation.

MTC–00025202

From: Ryan Dewalt
To: Microsoft ATR
Date: 1/25/02 6:27pm
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.
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 Dewalt
Ryan Dewalt rdewalt@meridianksi.com tet@solfire.com—PCCG

MTC–00025203

From: Lura and Dave Ratts
To: Microsoft ATR
Date: 1/25/02 6:05pm
Subject: Microsoft settlement
I want to express my concern that the Microsoft settlement is so long in coming. I feel strongly that we need to stop harassing Microsoft. Microsoft has already agreed to hide its internet explorer icon from the desktop.
Any further action serves only as a gift to the competitors of Microsoft. No money will go to the consumers, supposedly the ones who have been hurt by Microsoft's icon's being on the desktop when the software is purchased and installed.
I know that I made a conscious decision as to which browser I wanted to use, even though the Microsoft icon showed up on my desktop. Surely that is not too difficult to do for the average consumer. We need to allow the competition that exists between companies to do its thing. It is not right to artificially ''set'' the competition in order that one company or another has an advantage over the others. It would be the same as making Safeway change some of their ways of doing business just because other grocers are not able to do as well.
This sets a terrible precedent for the future. One of the things that makes America great is the free enterprise system!
Thank you for your interest in my opinion.
Lura Ratts
Vancouver, WA

MTC–00025204

From: ronaldon@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
Please lets end the fight against microsoft so that they can put the money they spend on lawyers into new and better software. My personal opinion is that a lot of the productivity that is being experienced now is the direct result of computer technology of which microsoft is the leading company in the software industry.
Thanks
Ronald Don

MTC–00025205

From: hornswamp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
I support the settlement with Microsoft. I believe Microsoft is a great company. They have greatly benefited my business with their software. I think our government should put its resources to better use rather than continuing to harrass a fine company like Microsoft.

MTC–00025206

From: Cookiegramma@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
I believe in free business. If you invent an idea it shouldn t be taken from you. Jealousy is the usual reason.

MTC–00025207

From: Roy Weeks
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: Microsoft Settlement
To: DOJ:
It seems to me that today in this country the government is out to take as much money from every legitimate business it can; tobacco whose product was, and still is a legitimate product for those over 21 years of age. In fact it was legal for years for those 18 and over in many states. What compounds your hypocrisy is the fact that you enjoy millions of dollars for pet programs on the backs of those who choose of their own free will to purchase tobacco profits; ref. federal tax on tobacco products.
Additionally, the federal government subsidized the tobacco farmers for many years probably still does. Now you have sued one of the most successful high tech corporations in the history of this nation because they provided the ''best'' product to the American public. It's time to get off your pedestal and rethink what your greed for these successful company's profits....you already take too much from ''john q. public.'' You've lost this citizen's respect based on your past and present actions.
Roy L. Weeks
Roy L. Weeks
rweeks@cableone.net
CC:MSFIN@microsoft.com@inetgw

MTC–00025208

From: dbuckley@clevelandgear.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
hands off Microsoft. government s role is to protect me under the constitution supply me with water roads and control the enviroment though limited taxation. other than that let the free market control itself.

MTC–00025209

From: john licht III
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement
John Licht
331 Harbor Place SW
Fort Walton Beach, FL 32548–6503
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The government has been harassing Microsoft for over three years now and it is time to put the issue to rest. A settlement has been reached and the terms are fair, the government should accept it and move on.
Some people believe that Microsoft has gotten off easy; in fact they have not. The main issues have been settled. Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed not to enter into any agreement that obligates computer makers to use only Microsoft software. Microsoft has also agreed to provide their competitors with part of the Window's base code in order for them to develop more compatible software.
Microsoft has given up much in order to settle. It is time to allow them and the US economy to move forward. Please accept the Microsoft antitrust settlement. I am really tired of hearing Oracle, Sun, and Aol whine?
Sincerely,
John Licht

cc: Representative Jefferson Miller

MTC–00025210

From: John Crean
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: microsoft settlement

If Netscape was a superior product I would be using it.

It is not and never will be.

This is a ridiculous action by an inferior company to gain an advantage.

The only thing Microsoft is guilty of is supplying the public with a quality product. The free market is the judge not Netscape

John Crean
Oneonta NY

MTC–00025211

From: Mohammad Shakeri
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement

Although AOL has been lobbying against the settlement through it's media power Time Warner, I believe that the settlement terms are reasonable and fair to all parties. The terms of the settlement are tough, but it represents the best opportunity for Industry and Microsoft to move technology forward and offer the best solutions to customers.

Thank you,
Mohammad Shakeri

MTC–00025212

From: gihuey@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

When the whole world is crashing around our ears and the DOJ continues to work with companies such as AOL, Sun, and Oracle to destroy a company who?

s makes better products then they do is flat out wrong. To allow people that are filled with hate (and yes, the word is not even close to strong enough), let me repeat, HATE Microsoft, they are not out for the welfare of the American people, they have only one addenda in mind and that is to destroy Microsoft. Please do not let this happen. If nothing else, a class action law suite needs to be brought against companies like AOL, Sun, and Oracle for the harm they have done to Microsoft and the American people by using the courts instead of producing a better and affordable product in the market place.

Please stop the madness. Please quit hurting the American people and kick these cases out of the court.

CC:gihuey@hotmail.com@inetgw

MTC–00025213

From: Karausthomasb@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:05pm
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,
Thomas Karaus
1057 So. 28 St.
Omaha, NE 68105

MTC–00025214

From: Jeff Zheng
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

I am for the Microsoft settlement.

It's time for the companies to drop the lawsuits and get on with the business of competition.

MTC–00025215

From: cr—perry@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:04pm
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,
Clint Perry
797 W Walden Hills Dr
Murray, UT 84123–5407

MTC–00025216

From: cvinson
To: Microsoft ATR
Date: 1/25/02 6:09pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to encourage the swift enactment of the settlement reached between Microsoft and the Justice Department. Over the past few years, I have followed the litigation process with great interest.

In this time I have been increasingly upset with the amount of time and money that have been wasted over this dispute. I believe that the terms of the settlement are fair and that the agreement should be enacted.

Microsoft has made many concessions throughout this mediation process. Microsoft has agreed to license Windows at the same rate to the larger PC manufacturers. In addition, Microsoft will also agree to disclose information regarding the internal interface design of Windows. Microsoft has also provided for the creation of the technical board that will review the stipulations of this case.

Microsoft has made many compromises in an attempt to resolve this issue. I trust that the Justice Department would concur and enact the settlement with haste.

Sincerely,
Clay Vinson
1602 Syracuse Drive
Richardson, TX 75081

MTC–00025217

From: ron.baker@blackwell.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:07pm
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,
Ron Baker
20444 S. Sweetwood Lane
Oregon City, OR 97045

MTC–00025218

From: Paul Tomori
To: Microsoft ATR
Date: 1/25/02 6:10pm
Subject: Microsoft Settlement—remove the chains that bind Microsoft... show some respect for our capitalistic ways

To Department of Justice,

With regards to the current legal issues concerning Microsoft, I would like to stand behind Microsoft.

It is apparent that the practices undertaken by Microsoft, if they had been taken by a smaller company on the rise, would have been rewarded. They would have been congratulated on their competitive strategizing and their superior products. It is

only because Microsoft is a big company and that its competitors whiners that this has come to a legal battle. Had Microsoft been small and relatively unknown, there would not be this case. It is because they are big that the issue is at hand. They are being punished for being good at what they do... This is symptomatic of our ''age of resentment'' and a culture who asserts its ''entitlement'' to the unearned.

My entire company used to use Netscape. We put up with the bugs in their software and the inconsistencies of layout in trying to design websites. When Microsoft came out with their superior browser, we dumped Netscape BY CHOICE and now eagerly await any new innovations Microsoft is able to introduce. If it weren't for the innovations presented by Microsoft and of their commitment to produce cutting edge consumer products, I would not have my business; I would not have my career.

With regard to this over pricing issue... how utterly absurd! I don't think they charge enough !! Show some respect for the core values of America. Let Microsoft be free to design its products as it sees fit and to attach whatever price they so desire. If people don't like the price, they can do without!! If Microsoft tries to price their products too high, the competition will move in. I thought this was the beauty of capitalism. I thought this was the differentiating aspect of America. I thought this was the seat of our example to the world that democracy coupled with capitalism is the only truly ethical system. The funny thing is... I believe Microsoft is only just getting started. There is so much left to do in the world of computing... from Business services to Health services to Artificial Intelligence to communications... etc... etc... Microsoft will rise to these challenges. That is if you let them continue unhindered.

Thank you,
Paul Tomori
Paul Tomori, President
ACTION Corporation
Website Management Excellence
http://www.ActionCorporation.com
paul@ActionCorporation.com
ph. 1–905–734–1780
fx. 1–905–734–7093
cp. 1–905–933–8616
tf. 1–866–848–7778
CC:MSFIN@Microsft.com

MTC–00025219

From: Richard Power
To: Microsoft ATR
Date: 1/25/02 6:12pm
Subject: Microsoft Settlement

LeavesFolks, it's time to put all this nonsense behind us. We, as consumers, were never hurt by Microsoft. We were helped. Legal action against Microsoft is and always was totally unwarranted. Just settle it and let's get our economy back rolling again.

Richard Power
Attorney at Law
P.O. Box 476
Shingle Springs, CA 95682
(530) 677–6344
www.appealsunlimited.com

MTC–00025220

From: Phillip Cripps
To: Microsoft ATR
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft/DOJ settlement is not in the public interest for the following reasons:

1. Microsoft has been found guilty of crimes but the proposed settlement does not punish them—it only modifies certain future behavior.

2. Proposed limitations on their future behavior are not adequate since Windows XP already extends the Microsoft monopoly.

3. The proposed settlement fails to remedy the findings of fact.

4. Microsoft does not admit guilt.

5. Microsoft violated the Tunney Act by lobbying the Vice President and members of Congress and failed to appropriately disclose it.

I urge you to do the right thing and reject the settlement and impose remedies that will properly reflect the seriousness of Microsoft's illegal monopolistic activities.

Phillip Cripps
6945 De Celis Place
Van Nuys, CA 91406
818–994–8055
philads@webintellects.net

MTC–00025221

From: Shelley Way
To: Microsoft ATR
Date: 1/25/02 6:14pm
Subject: Microsoft Settlement

I have worked at Microsoft for over ten years. It has been an incredible experience to be part of this company. I started here supporting customers on Microsoft products. This companies success has been in listening to what customers want and delivering it.

I have seen this company grow from approximately 10,000 employees to over 50,000 employees. I have seen the tremendous growth of high tech jobs in the Puget Sound region and throughout the United States. It amazes me that the Clinton administration can take credit for our unprecedented economic growth and yet attack the company that significantly contributed to that growth over the past decade. I can assure you that Microsoft employees in general are hard working, smart, and driven to change the world through technology. We are also people of integrity. We compete aggressively with other software companies, but isn't that the nature of a capitalist society? Microsoft employees are also very generous. Hundreds of employees quietly donated hundreds of hours and hundreds of thousands of dollars to charity as well as contributing time and resources to disaster relief efforts such as the recent tragedy in New York on September 11th. I have also seen millions of dollars donated to charities since I started. Libraries and schools around the world have benefited from Bill and Melinda Gates and Microsoft's prosperity.

The Windows product has created tens of thousands of jobs across the United States, and provided great opportunities for even our competitors. I don?t think it is in the US consumers, our economy, or the high tech industry's best interest to bring down this company.

In the short sidedness and self-serving attitude of the DOJ and our competitors, they have brought this suit against Microsoft. Judge Jackson has sent a dangerous precedent. Based on his interpretation of the anti-trust law, AOL, Cisco, Sun Microsystems, Intel, and Apple are all ''monopolists'' as well. Waging an attack on these companies as well would decimate our economy and jeopardize the United States preeminent position as the World Technology leader.

I would ask, as a one of the 50,000 employees at Microsoft, to settle this matter fairly and equitably.

Sincerely,
Shelley Way
Seattle, Washington

MTC–00025222

From: filledwiththespirit@
hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:07pm
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,
Elizabeth Jacobs
1308 1/2 Douglas
Wayne, NE 68787

MTC–00025223

From: Dale Hample
To: Microsoft ATR
Date: 1/25/02 6:09pm
Subject: Tunney Act comment re: Microsoft

I am a professor of Communication at Western Illinois University. I have been using computers since 1967, and desktop computers since 1984. I write from the viewpoint of an informed user and concerned citizen. I have no connection with any part of the computer industry, except as a consumer.

As I understand the legal status of the case to this point, Microsoft has been found guilty of establishing its monopoly through illegal means. As a citizen, I am primarily concerned that no individuals or corporation be permitted to retain ''profits'' obtained illegally.

Convicted kidnappers don't get to keep the ransom, after all. The growth of Microsoft has occurred in good part because of the various

predatory business practices they follow, and I hope that the court will take action to undo the profit. It is unreasonable to expect the court to be able to compensate the companies that went out of business, their employees who lost jobs (or who failed in their hopes for entreprenuerial success), or the users who found themselves trying to use software that wasn't supported because the manufacturer was bankrupt.

If you can find a remedy to undo the damage, I hope you will. But even if you cannot, you must destroy the profit. Part of your responsibility is to ensure that no one can enrich themselves by breaking the law, and then just waiting out the length of time that it takes to move a substantial anti-trust case through the court system.

The proposed remedy will not work, in my view. The finding of fact clearly establishes a presumption that Microsoft will certainly try to exploit the inevitable ambiguities in your ruling—inevitable because the computer industry, its products, its services, its very vocabulary, change at a very rapid rate. More, the previous court findings justify the assumption that Microsoft will acatually try to break the law. I am certain that the court is not so naive as to suppose that Microsoft lacked high quality legal advice throughout its monopolistic ascent.

The same lawyers who told them that they could break the law for years before anyone could successfully press a case will tell them the same thing again, within hours of your ruling.

I believe that Microsoft should be broken up, and each of the resulting parts should be placed in such financial straits that they will have difficulty competing. To permit even parts of the present Microsoft to inherit the illegal advantages of monopoly would justify the arrogant contempt for law displayed in Microsoft's actions to date.

Dr. Dale Hample
Dept. Communication
Western Illinois University
Macomb IL 61455

MTC–00025224

From: David Muller
To: Microsoft ATR
Date: 1/25/02 6:10pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft actually entrenches their operating system further in our culture by placing it deeper in the educational system.

I have been affected by their practice of promoting non-compliant standards native to the windows operating system that limit the functionality of my operating system on websites authored with their software. This default ''standard'', acheived only by the monopoly of their operating system, attempts to cripple the viability of other platforms.

The company demonstrates no concern over it unfair practices, and can surely be expected to continue unless it is appropriately restricted. The current settlement is much too favorable to Microsoft and does not go far enough in establishing effective controls.

David Muller
Ransomville, NY 14131

MTC–00025225

From: Torgeir Kateraas
To: Microsoft ATR
Date: 1/25/02 6:12pm
Subject: Microsoft Settlement

I support Microsoft Torgeir Kateraas

MTC–00025226

From: SCS
To: Microsoft ATR
Date: 1/25/02 6:19pm
Subject: Microsoft settlement

Dear Sir/Madam:

I strongly support the present agreement, between the DOJ and Microsoft, to end the anti-trust litigation.

To impose further restrictions on Microsoft goes beyond reason and gives its competitors advantages—by way of legal remedies—that they cannot get in the market.

Truly yours,
Sergio C. Stone
CC:MSFIN@microsoft.com@inetgw

MTC–00025227

From: shell.net.nz admin
To: Microsoft ATR
Date: 1/25/02 6:13pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea, enough said.

- Mr Blair Absalom
- Westport, BULLER
- New Zealand
- Network Administrator—Team SNZ
- admin@shell.net.nz
- www.shell.net.nz

CC:petition@kegel.com@inetgw

MTC–00025228

From: GGGhosn@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:15pm
Subject: Microsft Settlement

To Whom it may concern,

It is obvious to all that this is a misguided political vendeta against Microsoft. Everysence this case has started the market and then the economy has suffered.

It is time to let free enterprise work and get the economy going again.

It is a shame the companys that are backing this suit against Microsft connot see that they are cutting their own throats by destroying the market and the economy.

Sincerly,
George G. Ghosn DDS MAGD FICD FPFA

MTC–00025229

From: mxw9@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:16pm
Subject: Microsoft Settlement

Please accept my comments suggesting that the settlement proposed by Microsoft, the DOJ, and 9 states, be accepted without modification.

This case has gone on now for several years. During those years consumers have enjoyed lower and lower pricing, increased performance and capabilities of both hardware and software, and what can only be described as the fruits of competition on every front.

To suggest that there isn't competition in the OS market is silly: just walk down the isles of any computer store and look at the dozens of variants of Linux for sale. In Fry's, which is a massive computer store in the Bay Area, you will find more books on Linux than on Windows. The Mac section is also overflowing.

Please don't let this case drag on forever. We consumers are in favor of the settlement and want it to be resolved.

Mark Wagner
2150 E. Interlaken Blvd
Seattle WA 98112

MTC–00025230

From: Sherene Kershner
To: Microsoft ATR
Date: 1/25/02 6:16pm
Subject: Microsoft Settlement

I believe the settlement that is being proposed for the Microsoft Anti-trust case is reasonable and fair. I believe it should be adopted.

I believe it is time to resolve this issue and move on.

Thank you,
Sherene Kershner
14445 NE 40th #D-102
Bellevue, WA 98007
(425) 556–9346

MTC–00025231

From: Robert Dale
To: Microsoft ATR
Date: 1/25/02 6:14pm
Subject: microsoft settlement

Gentlepersons

I believe the proposed settlement is as wrong as if you were handing out a stern look to the guys at Enron. Microsoft's predatory, piratic monopolistic practices have been egregious and harmful to every computer user in the world, and they must not be allowed to continue in this vein.

Robert C Dale

MTC–00025232

From: Jim (038) Marian Buss
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

Honor the settlement! Get the courts and Politicians out of Technology. In the end Technology and consumers lose! Help get the economy moving with Microsoft innovation. Put taxpayers money to better use!

AOL is the biggest conglomerate the world has ever seen!!!

MTC–00025233

From: BeanieCBS@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:18pm
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 Hilmers
7915 Shady Grove
Houston, TX 77040–4416

MTC–00025234

From: Nathaniel Gray
To: Microsoft ATR
Date: 1/25/02 6:18pm
Subject: Microsoft Settlement

To Whom it May Concern,

I write this letter to state my opposition to the proposed settlement of the Microsoft antitrust case. It does nothing to punish Microsoft for their destructive anticompetetive past behavior or restore competition to the operating systems market and makes only superficial gestures at preventing additional anticompetetive activity in the future. In particular, the open source software community, which in many areas is offering the only viable competition to Microsoft products, appears to be left out in the cold. For example, the proposed settlement gives Microsoft too much leeway in deciding what projects to cooperate with on matters of interoperability.

Section III.J.2.b of the proposed settlement allows Microsoft to veto the licensing of certain APIs, documentation, and communications protocols to any person or entity which does not meet ''reasonable, objective standards ESTABLISHED BY MICROSOFT for certifying the authenticity and viability of its business.'' (emphasis mine) Open source projects are often not-for-profit enterprises, and thus there is no business to judge in this manner. In addition, given Microsoft's past conduct it is outrageous that they should establish the standards by which interoperability decisions will be made. Another baffling oversight of the proposed settlement is its failure to compel Microsoft to make public its many unpublished file formats. One of the most significant barriers to success that any new office software project faces is achieving the ability to load and save documents in Word, Excel, or Powerpoint file formats. Forcing the publication of these formats would finally allow viable alternatives to Microsoft Office, reintroducing competition to a market that Microsoft has monopolized almost as effectively as the operating systems market.

These are but two examples among many complaints I have against the proposed settlement. Rather than repeat the arguments of others I will simply refer you to Dan Kegel's thorough and insightful analysis of the proposed settlement at:

http://www.kegel.com/remedy/remedy2.html and Zimran Ahmed's open letter at: http://www.winterspeak.com/columns/121001.html which analyzes the effect of the proposed settlement on several well-established and legitimate open source projects. In addition, please read the GNU organization's proposals for remedies that would have a real and significant effect on competition in the operating system and application markets:

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

Microsoft's criminal actions have led to an impoverished computing landscape of closed de-facto standards and no competition. Any settlement which fails to punish Microsoft in a real way for these actions and enable effective interoperability with Microsoft products for commercial AND non-commercial competitors is not just. Any settlement that does not include strong measures to ensure its own enforcement is not just. The current proposed settlement is such a settlement. Please do justice for the American consumer by rejecting it.

Thank you for your attention,
Nathaniel Gray
Graduate Student
California Institute of Technology
Computer Science Department

MTC–00025235

From: lpb@apocalypse.org@inetgw
To: Microsoft ATR
Date: 1/25/02 6:19pm
Subject: Comment on the Microsoft Settlement

Dear Justice people:

I started working with microcomputers in 1985. Back then home and business users had choices of several different kinds of computers. There were Ataris, Commodore 64's, Apples and Apple Macintoshes, and IBM compatible computers, to name a few. There were several different hardware and software platforms. Things weren't compatible with other things, but people shopping for computers had several good choices that provided different features and different price points.

You'll notice today that people have only a few choices when they want a computer. If you go to the store, you can buy a PC running Microsoft Windows, or a Macintosh. The Mac software shelf is much smaller than the PC shelf.

And you know what? If you buy a PC, you take it home and instantly get attacked by viruses and identity thieves. Then you have to pay Microsoft even more money for an ''upgrade'' that fixes some bug that makes it impossible to get any work done.

You'd think in the last fifteen years that computers would have gotten easier to use, but they haven't. Microsoft keeps saying that their stuff is winning because of better quality, not because they are a monopoly. I don't believe it for a second. I've been here a bit, and computers were easier to use in ''85 before Microsoft owned everything.

Lauren P. Burka
305 Walden Street
Cambridge, MA 02138
(617) 876–3574

MTC–00025236

From: Charles Graham
To: Microsoft ATR
Date: 1/25/02 6:17pm
Subject: Letter to the Justice Department regarding Microsoft Settlement

Dear John Ashcroft,

Attached please find my response to your request for input on the Microsoft settlement. Good Luck.

Sincerely,
Chuck Graham
Salem Automation Inc.
4500 Indiana Ave, Suite 40
Winston-Salem, NC 27106
cwgraham@sai-net.com
Phone 336–661–0890xl 06
Copied to Sue Myrick- US House Rep.
CC: Jesse Helms

MTC–00025236—0001

Falem Automation Inc.
Systems Integration Specialists
4500 Indiana Ave. Suite 40
Winston-Salem, N.C. 27106
Phone 336 661–0890 ext 106
cwgraham@sai-net.com
January 25,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a member of the software industry since graduation with a BSClS and BSBA from Ohio State University since 1984, a Microsoft stockholder and a Microsoft business partner, I find it refreshing to see this ugly chapter of government interference in the fast moving high tech industry coming to a close. Microsoft should be held to the same laws as every other corporation in the land. However, the actual damages to anyone in this case is highly suspect. It appears that this case was brought by a number of companies unable to succeed in the industry without resorting to the courts, and some sympathetic government lawyers eager to hang the Microsoft hide on their wall as a trophy. The issue between Netscape and Microsoft as long since been settled as evidenced by Netscape becoming a Microsoft business partner. Microsoft came up with their own browser, a fairly simple piece of software, rather than buy Netscape licenses for it's thousands of employees. Since the development of the browser was already paid for, they offered the browser as part of their operating system to enhance their Internet presence. I see nothing wrong with this. The general market has flourished well due to the standardization Microsoft provided in operating systems and office suites (Word, Excel, etc.). This country's government should be treating Microsoft as a national treasure. The US government should be approaching Microsoft and asking how we can enhance the development of Microsoft and grow the software industry in the USA as it is one of the few industries with any future in the USA. We are lucky that Bill Gates didn't pack up his company and move it across the border into Canada. Other countries would nurture a wonderful success such as Microsoft, not try to tear it down.

This lawsuit caused the technology bubble to burst and caused more loss in shareholder value for millions of Americans than any other single event in history. If I was a government lawyer, this is not the legacy I would want to leave behind. A legacy in

which millions of Americans were robbed of their retirement savings, a legacy of millions of layoffs and company closures. And for what? What did this lawsuit actually accomplish? Even if Microsoft had been broken up, was this a good thing for America? Once again, what could the motives behind this lawsuit be other than a bunch of ''has been'' sour grapes from companies like Sun Microsystems who got together with a bunch of underpaid government lawyers who want to make a name for themselves and fostered by the Clinton administration who may have been angry with Microsoft for not contributing enough to the Clinton campaign. Isn't there a better use of the justice department's time than this? Isn't there any ''real'' criminals that you should be focusing on? The settlement, three years and three months in the making, is an agreement that fosters competition, increases innovation and ensures that all parties involved will be held accountable. Microsoft has agreed to a series of provisions that go above and beyond the government's original list of grievances. Windows operating system internal computer interface and native server interoperability protocols will be released by Microsoft to it's very own competitors—that is uncalled for, but true -and a first. Microsoft will help its competitors compete with it by making it easy for them add and remove software in Windows. This settlement should be the end of this judicial debacle and the final chapter in this unfortunate saga. I strongly urge your office to take no further federal action against Microsoft and encourage the states to follow suit. Thank you.

Sincerely,
Charles Graham
Vice-President Salem Automation Inc.
C: Jesse Helms-
Sue Myrick
NC Senator
NC House Representative

MTC–00025237

From: jonathan—
tolson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: Microsoft Settlement

The government can be helpful in many areas,international trade and diplomacy to name a few. But I believe in the new economy it has bitten off more then it should chew. The software industry is a grotesque anomoly of companies of yesterday and today, enemies, allies, and then ememies once again all merged into one. They are fighting together against a force which is unstoppable by any government force this is time and progress. Every minute that passes the highly perishable goods of software become rotten. The wares must succeed or be trumpled by big business, world political powers, or even little children on a PC. This market is too dynamic to be understood and acted upon by any government. Even one as progressive as ours. It is a valiant effort, however inhumane, to control such an animal in the way that has been done. Billions of dollars of progress have been miss spent to defend against the possibility of massive controls.

Disservice has already been done to the United States and the rest of the world. Is more punishment necessary?

Jonathan Tolson
Tulsa, OK 74105

MTC–00025238

From: Nelson Burrell
To: Microsoft ATR
Date: 1/25/02 6:20pm
Subject: miocrtosoft. suit

DEAR SIR :

I WOULD LIKE TO SEE YOU ACCEPT THE SETTLEMENT AS PRESENTED BY MICROSOFT AND LET THE MARKET PLACE DECIDE WHO CAN DELIVER THE BEST SERVICE.

SINCERELY;
NELSON

MTC–00025239

From: Ray D'Andrade
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

I have been using Microsoft products for many years now. I am a computer consultant and I work in many different systems. Their products far exceed the quality of their competitors on the market. In addition, their products are well marketed. They made it easy for anyone to develop software for their platform, and that is why there is more third party support for their platform than any other. These are the reasons that they have the market share of desktop PCs. Now they are starting to dominate the server and backoffice market for the same reasons. I have used competitors products for desktop software and backoffice, and no other competitor comes close to the low cost, high functionality, and high user-friendliness, and customization of Microsoft's products.

The people that I know that work there say that it is an excellent company to work for and it's well managed. They are model for other technology companies to follow. The bottom line is that Microsoft is a well managed company that develops some of the best software that is available on the market. This is why they dominate the market, NOT because of unfair business practices. The initial settlement was unfair to Microsoft because they did not do anything wrong. Any further pursuit of action against Microsoft is even more unfair. You are punishing a company for creating excellent products at affordable prices.

I look forward to the day when these hearings are over and we can all get back to business as usual. No further action is required against Microsoft. The punishment Microsoft received far exceeds what it deserves.

A concerned citizen and technology business owner,
Ray D'Andrade
Bright Network Solutions, Inc.
Princeton, NJ

MTC–00025240

From: Gayle Green
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement
4119 North Simpson Road
Otis Orchards, WA 99027–8721

January 12, 2001
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I support the settlement of the Microsoft Antitrust Case. I am outraged about the amount of money and time that has been devoted it. This case should not have been brought in the first place. I am even more outraged by the handling of the case by the judiciary. I believe firmly that the government should simply drop the case against Microsoft, however, as the likelihood of this happening is slim, I support Microsoft's agreement to comply with the terms of the settlement agreement in the interest of ending this costly, wasteful, unwarranted, and needless litigation.

The terms of the settlement are more, considerably more, than fair, just, and reasonable. Microsoft has gone far above and well beyond what should be expected of it. Microsoft has agreed to disclose to its very competitors the interfaces that are internal to its proprietary Windows Operating System. Similarly, Microsoft agreed to not enter into contracts with third parties that would require that third party to exclusively promote or distribute Microsoft products. There should be no hesitation in accepting these terms; no hesitation on the part of the Department of Justice; and, no hesitation on the part of the Court. A nation that hesitates in times of crisis is lost.

And our nation is facing a crisis. I believe firmly that this case was brought as a result of the government's ongoing pattern of interfering with successful American businesses.

Innovative companies, like Microsoft, should be free to further their businesses. When innovative American companies are allowed to freely innovate, American businesses, American consumers, and the American economy in general, will benefit.

Thank you in advance for your attention to this matter and, please, let our nation move forward.

Sincerely yours,
Gayle E. Green

MTC–00025241

From: Peter Ollodart
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

Dear Sirs/Madams:

I wanted to provide comment on the settlement proposal between Microsoft and the Department of Justice Antitrust Suit. I strongly believe we need to finalize this settlement and put this case behind us. It's been going on too long and not settling it at this point does nothing but drag down the economy and helps a few other non-competitive companies whose real motive has nothing to do with the case. This is particularly important at a time when our justice system needs to focus on eliminating terrorism and making our country a safe place to live and work. I have always thought this suit was counter-productive. This suit has been a drag on the high tech economy brought on by our own government. It has been blown way out of proportion and has

done a lot of harm to Microsoft, the PC industry and the cottage industry that depends on Microsoft for their livelihood. Quite frankly, it hasn't helped our competitors either. The collapse of the .coms has clearly shown that Microsoft competitors chose a path that relies on over-inflated business plans that are not competitive in the marketplace. It was never clear to me that consumers were ever harmed by Microsoft. In fact, the opposite seems true, where more and more people are able to enjoy computing because of Microsoft. I believe this is a fair settlement that allows enough control while not choking the life out our company. I for one would like it just to be over.

Regards,
Peter Ollodart

MTC–00025242

From: LPhysics@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:20pm
Subject: microsoft settlement

I think it's outrageous that MS has been allowed to bully their way to the top for all these many years. Their requirements to place their browser on the desktop at the expense of Netscape, earlier requirements to bundle Office with machines or not get the latest OS on time, the original complaints that third party developers wouldn't get info about the latest OS until MS had the market wrapped up with their own offerings are all textbook examples of MS promoting and protecting their monopoly in the OS and now the browser market.

As much as I dislike the government sticking their noses where it doesn't belong, it is the only way to protect the public when the free market has been manipulated and subverted as it has by Microsoft. At the very least they should have their business highly regulated and possibly broken up into competing branches. I recommend separate companies for OS and applications. Gates, Balmer, et al should not be able to sit on both boards. The government should constantly monitor the business decisions by both companies (a nonvoting member on each board perhaps) and report back monthly to the Justice Department. As for MS offering to donate used machines and their software to poor schools . . . what a crock! It makes absolutely no sense to let them use a punishment to move into the education market and make even more schools dependent upon their software.

Please help to repair the free market place and slow down the MS juggernaut!!

Lane Hoback

MTC–00025243

From: Peter du Fosse''
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Any settlement that goes through should be eyed critically and not in ANY way offer any benefits to MS in terms of their barely slowed monopoly. Enforcing a choice for all PC-makers as well as encouraging compensation for companies hurt in the past by their monopolistic behavior would also be a good start (Netscape, IBM, Apple, etc.)

This will determine the future of computing and if you want it to be as lackluster as it has been, with only the interesting things coming from companies *OTHER* than MS, you need to do open the market(s) to *REAL* competition again. (remember the days of 5–7 different ''mainstream'' computer OSes? I barely do either!)

Thank you for your time.
-Peter du Fosse''
Pete du Fosse''
Photoshop QA
Adobe Systems, Inc.
345 Park Ave. W10–306
San Jose, CA 95110
408.536.3296

MTC–00025244

From: William Liu
To: Microsoft ATR
Date: 1/25/02 6:29pm
Subject: Dear Judge,

Dear Judge,

Microsoft is an organization that has abused it's position as a leader in operating systems software. I have used their products for over eight years and I feel that the upgrades and bugs have cost me and my family hundreds, if not thousands, of dollars. Not only are the upgrades flawed themselves, most users know that they will be needing a newer version in only a couple of months. Something needs to be done to strictly monitor and regulate this problem because the consumers are suffering without reason.
Thank you for your time

Will Liu
7143365923
Orange, CA
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00025246

From: Dan Dittenhafer
To: Microsoft ATR
Date: 1/25/02 6:26pm
Subject: Microsoft Settlement

To whom it may concern,

While the terms of the settlement are tough, I believe they are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals. I support the settlement of this case based on the current terms.

Thank you,
Daniel Dittenhafer
1203 White Oak Cir.
Melbourne, FL

MTC–00025247

From: Smith Kevin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 6:28pm
Subject: Microsoft Settlement
Re: Comments on the Proposed Microsoft Settlement Agreement
To: Renata B. Hesse, Anti-trust Division, USDOJ
Fr: Kevin A. Smith, Chairman, Arkansas Senate Technology Committee

I just want to add my comments in favor of the Microsoft Settlement. I think it is the right balance between Microsoft's market strenght through the use of its O.S. while allowing continued innovation in software development. Thank you for striking a good and fair balance for the people of the United States, and for innovation in the marketplace (which also helps the US).

Kevin A. Smith

MTC–00025248

From: den geil
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Gentlemen; I am strongly in favor of a settlement now of the Microsoft fiasco the Clinton engineered. Lets get this settled as currently proposed.

Denis W. Geil, Reno, Nv

MTC–00025249

From: Justin Merkovich
To: Microsoft ATR
Date: 1/25/02 6:24pm
Subject: Microsoft Settlement

To Whom It May Concern,

I want to voice my displeasure with the apparent ''kid gloves'' approach to the recent Microsoft case. As a user who primarily employs a Macintosh I have to say that I have been on the receiving end of Microsoft's deplorable business practices for quite some time. I wish it to be known that I will be very disappointed in what I will view as acquiescence on the part of the Department of Justice should the DoJ decide not to press Microsoft on its business practices. How long will the government stand for the monopolistic position of Microsoft and the abuses that it enjoys as a result? Are you really afraid that the economy will collapse if you rein in this behemoth? Did communication in the U.S cease to exist when ''Ma Bell'' was split up? Now is the chance to give competitors a level playing field and let Microsoft stand on the merits of its products rather than on the free rein that the U.S. government has given it to destroy its competition. I don't expect that Microsoft will be sanctioned in any way as a result of this letter or the many other thousands like it that you have surely received. The Department of Justice has given me no reason to believe that it will do ANYTHING to curb Microsoft's DOCUMENTED abuses in light of the fact that it has had chances in the past which were not taken advantage of and that it appears that this opportunity has been squandered as well.

In short, if Microsoft's practices are not a clear cut case of abuse from which the Department of ''JUSTICE'' is designed to protect the citizens of the United States from, then I don't know what constitutes abuse or what the Department of Justice is doing to protect me. I hope my voice can add to the din of outrage at the apparent bowing to the whims of Microsoft.

Thank you for your time,
Justin Merkovich

MTC–00025250

From: Rick Rousseau
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I've been a computer professional for the last decade working both in systems administration as well as software engineering. I find the proposed Microsoft Anti-trust settlement inadequate and unacceptable. Nothing short of dividing Microsoft's business into seperate operating

systems and applications business units makes sense. That's not even taking into consideration any punitive measures that should be imposed on Microsoft for it's unlawful practices.

Please consider your actions carefully.

Rick Rousseau—computer troll

Nearly all men can stand adversity, but if you want to test a man's character, give him power.

—Abraham Lincoln

MTC–00025251

From: DAHud80@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:30pm
Subject: Re: Has Your Opinion Been Counted?

We feel that Microsoft has been un fairly picked on and now is the time to cease and decist any further charges. We have been very happy with Microsoft and thank them for all their help in the computer industry. So lets get off their back.

Sincerely DAHUD80

MTC–00025252

From: colette bottinelli
To: Microsoft ATR
Date: 1/25/02 6:33pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to voice my support for Microsoft in the DOJ case. I have grown tired and impatient with this matter, as it is clearly a case funded and formed by Microsoft's competitors, NOT its customers (as its competition has been positioning the case).

Microsoft has been accused of overcharging its customers for software. I encourage you to take an audit of what the competitors are charging for their software (and what you get for that price). I believe you will find that Microsoft products are competitively priced, and often offer many more features/benefits to the customers than many other products that are on the market today.

I would also like someone to explain to me how Microsoft can be tagged as a ''Monopoly''—while a huge media conglomerate such as Time/Warner, and AOL/Netscape (who is now known for ''owning'' the internet) can be allowed to join forces without anyone batting an eye?! It has reached the point of being ridiculous.

It is a sad state of affairs this country has found itself in, when lawsuits become the first call to action instead of a last resort. Companies like AOL believe that by suing, they can keep competitors on the defensive and stop them from creating an offering that is better than their own product. AOL has market share dominance, and they have decided that in order to protect that market share they must sue a competitor rather than improve their product to retain/attract more customers. This is a lazy, unethical business practice. I think they have truly embarrassed themselves with this action.

If the government allows these absurd law suits to continue, it will soon have on its hand a crippled industry that has not moved forward in innovation due to forced stagnation. What we will see is more American jobs lost, and foreign competitors soon owning the high-tech sector. It's time to put a stop to this and send a clear message to companies that truly do not have the customers interest at heart, but are using this guise to further their own selfish and uninspired agendas.

Thank you for your time and consideration.

MTC–00025253

From: aauer@deadprogrammers.org@inetgw
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Dear Sirs/Madams,

I write regarding the ongoing question of remedies in the DoJ vs. Microsoft trial. I am not entirely aware of your policies on considering input from those outside your borders, but given that profound repercussions are likely to be felt from this outcome by industry members and citizens around the globe, I felt that it was imperative that I at least voice my concerns.

It is my opinion, as an IT professional and engineer with computing background, that to ratify the current settlement proposal between Microsoft and the U.S. Department of Justice would be extremely imprudent. Whatever the rationale the Department had in coming to this proposal, I believe it to be erroneous in that it is not only completely wanting in remedy for consumers, but in fact shackles them to further Microsoft monopoly by enshrining many of their monopolistic strategies in legal precedent. Specifically, the lack of requirement to bring the file format of Word into the public domain, the allowance that Microsoft verify entities as ''legitimate businesses'' (a term as loosely and ambiguously interpretable as they like) and the pencil-thin definitions which will allow Microsoft to continue, and indeed expand, it's unfair monopolistic practices.

I can only hope that this is read, and perhaps, considered.

Very truly yours,

Anthony Auer

CTO, MediaShell Corporation

Toronto, Ontario

MTC–00025254

From: Andrew Lenharth
To: Microsoft ATR
Date: 1/25/02 6:36pm
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 beleave the preposed settlement is ineffective in it's attemps to curb Microsoft's anti-competitve behavior.

One of the most effective tools used by microsoft to maintain it's monopoly are propritary file formats used by their application. Without clearly, correctly, and thoughly document file formats, it is extremely difficult for a competitor to create a competing application. This is due to Microsofts monopoly in the office application market. Any competing product that cannot read a microsoft generated file or document has an extremely hard time establishing a foothold, since it cannot deal with the majority of the douments its user receives.

There are many additional problems with Proposed Final Judgement that make it an ineffective tool to combat the finding of fact that Microsoft has anti-competitive behaviors.

Andrew Lenharth

Network Administrator, State of Washington

Debian GNU/Linux Maintainer

Everett, Washington

MTC–00025255

From: Amy Rogers
To: Microsoft ATR
Date: 1/25/02 6:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like voice my concern regarding the government's actions taken against Microsoft. I appreciate the role of the government in acting as a ?guardian? to protect businesses from unfair practices. However, I do NOT support the continued use of taxpayer dollars to appease those competing with Microsoft. For the most part, those complaining about Microsoft are also huge profitable corporations. They are not small to mid-size businesses that are struggling to get by while Microsoft seeks to destroy them. I believe that if AOL or any of the other big complainers were forced to go through the same scrutiny Microsoft has had to endure for many years they would have failed the test. In fact, many would not remain in business. On the contrary, Microsoft continues to lead the way in technological advances and has also weathered our poor economy well. Despite others efforts to cause the downfall of one of our nations finest corporations it has risen above the controversy and moved forward. It is time for the federal government and remaining states involved in the law suits against Microsoft to move on as well.

As a taxpayer and a voting and concerned citizen I say, ?enough is enough?. Microsoft has agreed to change their business practices. While the standards are tough they have agreed to do what has been declared fair and right by the courts. The law suits need to stop and the government needs to send the message that while protecting fair competition it will not discourage business and technology that gives our nation an edge in the world market.

Microsoft has done far more good than bad. We need more companies like Microsoft to innovate. The freedom to innovate is an important part of our culture and one that allows individuals and corporations to excel domestically and abroad.

Let Freedom Ring!

Amy Rogers

Amy F. Rogers

425–451–1187 Home

425–451–1185 Fax

mailto:amy@doingood.net

CC:Jeff Rogers

MTC–00025256

From: Melanie C. Alexander
To: Microsoft ATR

Date: 1/25/02 6:37pm
Subject: Microsoft Settlement

Dear Sirs:

I protest the laxity of the DoJ settlement in the Microsoft antitrust suit. I am not a software developer, but have been involved in applications development since 1986. I am also a student of history. Microsoft does not make the best operating system or software, but over the years, its unfair practices have beaten down the competition using unfair competitive practices.

The arrogance in Microsoft's response to this suit is too reminiscent of the coal industry, the oil and gas industry, and other ?dirty? industries the trustbusters took on in the past. In these days of business consolidation, and multinational corporations, the Department of Justice should be more representative of the American public, rather than an internationally based corporation looking primarily at the corporate profit picture. I expect the US Department of Justice to take a firmer stand in protection of the rights of American consumers, and the free enterprise system.

MTC–00025257

From: Jolie Maki
To: Microsoft ATR
Date: 1/25/02 6:36pm
Subject: Microsoft Settlement

I agree with the terms of the settlement that the DoJ, Microsoft and the 9 states have painstakingly worked together on. We desperately need to move on to the next set of pressing government issues and leave the business matters of software where they belong, in the hands of the companies that create it, not the courtrooms.

I am truly concerned and disappointed that the ''special interests groups'' are taking the continued ''petty'' litigation approach in addressing their shortcomings, to the point of adnauseam. I have always felt privileged to live in a country that supports innovation and forward thinking for the consumers who choose to purchase (or not) such products. However, I believe if we continue this litigation path my faith in the legal process will diminish greatly and our countries economy will continue to suffer as a result.

Please let's get on with it!

Jolie M. Maki
Snohomish, WA
Registered voter- 44th Legislative District

MTC–00025258

From: Scot Ballard
To: Microsoft ATR
Date: 1/25/02 6:32pm
Subject: Microsoft Settlement

Make Microsoft document every file format, and every network protocol so that other software vendors don't have and automatic disadvantage. You should also make sure that they couldn???t dissuade other vendors from actually using these standards.

Do this and you will give Microsoft the right to truly innovate.

Scot Ballard
scot@apple.com
408–974–0575
G.C.S.S.E.

MTC–00025259

From: Bill Durham
To: Microsoft ATR
Date: 1/25/02 6:40pm
Subject: Microsoft Settlement

Honorables,

Under the Tunney Act, I wish to add my voice to those commenting on the proposed Microsoft settlement.

I have perused the Court's findings of fact, and the terms of the proposed settlement. While I do not pretend to be a lawyer, I am a software engineer who has been studying the High Technology industries for well over twenty years. I thus speak as a professional versed in technologic matters.

To put it simply, the court not only has recognized that Microsoft is indeed a monopoly, but they have also found that Microsoft is guilty of actions illegal for such a monopoly—and I find the notion of allowing the convicted to dictate the very terms of its own punishment to be wholly illogical. In examining the proposed remedy, it not only represents a tiny pittance of punitive damage against such a massive entity, but it actually rewards the defendant by giving it the means to extend that monopoly further into a market where they previously held no such status. How, if such a settlement were to be upheld, could it be considered fair and just if the convicted really profits from the so-called ''punishment'', while their (innocent) competitors are harmed?

Furthermore, it has come to my attention that at the same time that Microsoft was found guilty of violating Sherman, and while proposed remedies have been whittled down to where they actually benefit the convicted, Microsoft has been continuing to thumb its nose, if you will, in the face of justice—and that they are indeed carrying out further predatory attacks against their competitors. The chief complaint I have of late, effecting my own business and career, is the acquisition, last year, of key patents from Silicon Graphics Inc. that could threaten the viability of the only real competitor to Microsoft's Direct3D Software API (Application Programming Interface), namely, OpenGL. If this were to go unchallenged, then Microsoft would be allowed to actually gain control of their competition in this area, and have serious repercussions on the entire 3D Computer Graphics industry including 3rd party software vendors and hardware vendors and even the video game console market.

This is very serious. Microsoft has already been cited for wantonly using the licensing of its own API's, in many areas of Software Development, not just 3D Graphics, as a means to control developers. And allowing this monopoly to now control the licensing of the —competing— API's in 3D Computer Graphics means they now control both sides of that equation—shattering any hope for true competition.

This one example of Microsoft flaunting its might—even in the face of having been found guilty by the Court—is an affront to the very ideals of justice, and would put a dire, oppressive strangle-hold on this industry. If Microsoft prevails in their own sentencing, then

I fear they will continue to proceed unabated in their anticompetitive actions.

I know that, given the current sour state of the economy, political ''realities'' have been suggested as an argument—that in this assumption we must prevent Microsoft's fate from impinging on the economy—nevertheless, for the good of our progeny and for the Rule of Law to be sustained, something extremely —serious— needs to be done to drive home to the convicted party that their actions are to no longer be tolerated in a free and open market. It may still be too much to hope that a serious break-up would be upheld, since—as presumed by many—that such a remedy might actually contribute to the weakening of the economy—but then if that were true, then the very fact that the welfare of just one such corporation could have such an impact on the —whole— economy means that the situation with that obvious monopoly should be rectified to —reduce— its impact, not increase it (as Microsoft's own suggested remedy would cause to occur). If any one company is considered so vital to the whole economy, then, logically, measures must be taken such that we do not have ''all our eggs in that one basket.''

Please, we beg you, give this considerably more thought.

—Bill Durham,
Independent software engineer

MTC–00025260

From: William Parradee
To: Microsoft ATR
Date: 1/25/02 6:40pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea.

It will give Microsoft an even more complete monopoly than Microsoft has now.

Some families now use other operation systems and programs. This settlement will cause those families to buy Microsoft products in order to help their children in school. It may keep some children from using other operating systems and programs such as Mac, Linux, FreeBSD, Unix and others. Or any of the other lines of browsers.

If you must order Microsoft to provide computers to schools, order them to install an operating system other than their own—and in good working order. Or perhaps install two operating systems so arranged that either of the two may be accessed and used easily. In that case, perhaps, one of the systems may be their own.

William A. Parradee

MTC–00025261

From: akadug@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft settlement

Pleas end this costly argument as soon as you can. Douglas Stevens

MTC–00025262

From: Tom Watson
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft Settlement

The Microsoft settlement is BAD.

Why why why do you let the offender get away and further his monopoly by making

schools forced to use the very product that is the subject of the anti-trust action. It makes as much sense as letting a drug pusher give away crack at a school.

NO NO NO!!

Tom Watson I'm at home now!!

tsw@johana.com

MTC–00025263

From: Ronald G Davis
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft Settlement

The Justice Department should accept the settlement offered by Microsoft and rule to put an end of all lawsuits. Microsoft has used smart business to be at the top of the technical business. Consumers will not be served by continued harassment.

Ronald G. Davis, Portland, Texas

MTC–00025264

From: OKCashel@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:36pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Having followed the Department of Justice v. Microsoft proceedings from the beginning, I believe it is now time to put this matter behind us.

Microsoft is undoubtedly a great American success story; any country would be honored and proud to have them, to reap the vast benefits they have showered on so many for so long, and to take pride in the significant contributions they have made, all over the world. If in fact they did wrong, they have paid the price; we, as a nation, have your pound of flesh, we do not need to draw blood?

Let's get on with business now and focus our attention on much more important matters, such as Enron.

Michael F. Merrick

MTC–00025265

From: Noble Eden
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

Please allow the proposed settlement with Microsoft become final.

Noble Eden, Jr.
5710 Indian Springs
Livingston, TX 77351

MTC–00025266

From: C F Beaver
To: Microsoft ATR
Date: 1/25/02 6:44pm
Subject: Microsoft Settlement

I just wanted to add my voice to the many who say that the agreement reached between Microsoft, the DoJ and several of the states is a reasonable and fair solution to the issues raised by the anti-trust suit.

I believe that the suit was ill-advised from the beginning. In my view, the self-serving actions of Microsoft's competitors initiated a serious and expensive misdirection of industry and national resources, under the false pretense of consumer protection. The negative consequences of that mistaken chain of events are still troubling the nation's economy. Moving on now is in the nation's best economic interest.

Catheirne Beaver
325 Omni Drive
Sparks, NV 89436

MTC–00025267

From: Shirley Adams
To: Microsoft ATR
Date: 1/25/02 6:44pm
Subject: Microsoft Settlement

Please drop this rediculas, ongoing for months & tend to businesses much more important. Ex: Social Security Medical Insurance & % of yearly increases to at least meet cost of living Or % given government empoyees—-Feed the HUNGRY Americans—-& stop borrowing from S.S. so you can stay in black!

Microsoft has offered a generous settlement to the school children of the U.S .A by setting up computers for them to broadening their capabilities.

Your time spent on M/S could have been spent to solve these problems in less time, than this has taken.

Shirley J. Adams
7800 Mockingbird Ln.
Lot 189
N. Richland Hills, Tx.76180
P.S. Thank you for reading this.

MTC–00025268

From: Andrew Wolff
To: Microsoft ATR
Date: 1/25/02 6:41pm
Subject: Microsoft Settlement

AOL had it all and lostr it all. That's American free enterprise! Don't intefere with regulations and penalties.

MTC–00025269

From: reh@grove.ufl.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 6:42pm
Subject: Microsoft Settlement

I am a computer programmer and computer systems administrator. I have been doing this work for nearly twenty years, and I remember the first Microsoft anti-trust case and the earlier IBM anti-trust case.

Having established my old-codgerdom, please allow me to comment on the ''Proposed Final Judgement in United States v. Microsoft''.

The proposed remedy has many flaws in the details, but more importantly, some basic shortcomings:

1) Inadequate allowance is made for the fact that Microsoft is a serial, unrepentant lawbreaker. Far too much is given over to Microsoft's discretion. For instance, they may withold critical interoperability information if that information 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''. (III.J.1)

Microsoft is not only technically able to engineer gratuituous dependencies on such exempted APIs, but apparently is the party that decides whether such a dependency exists in the first place. Microsoft should never be in the position of interpreting any part of the final judgement. A special master or other external agency should make any interpretation.

Microsoft has earned a presumption of bad faith.

2) No explicit provision is made for competitors to Microsoft that are not, strictly speaking, businesses. The Wine project (http://www.winehq.com) and the Samba project (http://www.samba.org/samba/samba.html) are volunteer efforts that produce software that serves some people, for some purposes as an alternative to Microsoft. The volunteers on these projects do this by reading the documented API, performing experiments and determining the real API. Then they implement as much of that API as they can.

It is true that such an organization often has some corporate assistance, but the project itself is not structured as a business and so would fail to ''meet[s] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. (III.J.2.c)

3) No provision is made for lowering the user's barrier to migration. Users may well have significant time and effort invested in documents in proprietary Microsoft formats. Microsoft should be forced to open up these formats, so that other vendors may produce fully compatible (at the file level) products, allowing users to move their own work product to other platforms, should they so desire.

—- Sincerely,
Rodger Hendricks
Sr. Systems Programmer,
AT/CIRCA, Univ of Florida
E520 CSE
P.O. Box 116140
Gainesville, FL 32611–6140
(352) 392–2007

MTC–00025270

From: RNFrank@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:41pm
Subject: proposed settlement

Any non substantive penalty against Microsoft is a strong reinforcement for corporate malfeasance. By substantive I mean a fine of around 50% of Microsoft's net worth or breaking the company into small enough units that it no longer has the power to rent congress. Richard Frank

MTC–00025271

From: Brian Schack
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

Don't let Microsoft get away with everything they have done to put other companies out of business unfairly and strengthen their monopoly.

MTC–00025272

From: vhavin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have a strong feeling that the Sherman Act, proposed long before the software industry was established, and tailored for the traditional business is a wrong vehicle for delivering justice in this particular case. Certain software industry specific merits

were completely disregarded by the case originators:

1. Software industry in the US and the entire world is driven by de-facto standards. Large number of leaders (or standard establishing companies) creates obstacles for the industry advancement and in effect harms the consumer. I still remember times when there where dozens of operating systems at the market and mere moving data from one computer to another was therefore a hard problem to solve. This situation simply had to evolve into just a few standard-establishing companies. I personally welcome MS as a leader in software standards since it is employing the most brilliant minds in the software industry today.

2. With all due respect, the software industry can not be ruled by today's judiciary system. They just live in different dimensions. The modern software development is moving in much faster pace, thus making most judiciary rulings obsolete by the time they gets accepted. See for yourself: software industry in general and Microsoft as a company today are very different from what they where back in 1998 when this all started. That's why it is so hard to propose remedies in this case. The final remedies are for the wrong cause and for the wrong times.

3. The product bundling term is very different in today's software that is constantly moving to the component-based architecture. All known operating systems have certain basic components (like Web browser). Sun Solaris, Mac OS and Unix are not exceptions. It's like blaming a car maker for bundling the engine with a car.

4. In this particular case the complaint came not from consumers and/or consumer advocates, but rather from the losing competition. I don?t think the industry should create the precedent when a less successful company can sue the more successful one for loosing the battle. My personal impression is that Netscape Communications has to blame itself for loosing the browsers war. They were enjoying their easy success for too long while their product quality and feature set was deteriorating compared to the competition.

I am sure that the common interest today is finishing this process and all copycats resulting from it. More than enough taxpayer's dollars have been already wasted without any sensible effect.

Sincerely,
Victor L. Havin
Software Specialist.
CC:vhavin@hotmail.com@inetgw

MTC–00025273

From: Glenn Sebolt
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

To Whom It May Concern,

I believe the terms outlined by the current agreement between Microsoft and the Department of Justice are adequate to address the Anti-Trust concerns by all parties.

As an end user, and as an Information Technology professional I have used and will continue to use, support and recommend Microsoft products to my clients. This includes Operating Systems as well as Windows, Apple Office Applications and Internet Browsers. I do believe that Microsoft has the best product, support and pricing on the market and in that I see tremendous value to me and my clients as consumers. I do view the continued pursuit of additional sanctions against Microsoft as productive in any way, and I don't see how additional value would be derived from the additional penalties.

I would hope all parties can bring this matter to a final resolution in a expedient manner.

Thank You,
Glenn Sebolt
1234 28th Street SE
Cedar Rapids, IA 52403
gsebolt4@home.com

MTC–00025274

From: Jon Doe
To: Microsoft ATR
Date: 1/25/02 6:46pm
Subject: Microsoft Settlement

I consider my computer ''my tool''. I paid for it, and I should be able to use it in any way I like provied that I do not use it to break any laws. If I were to buy a hammer, nobody would tell me that I could only hit nails with it. No one would say, ''You can't use YOUR hammer as a nutcracker.''

Unfortunately, my computer is useless without an Operationg System. I have to run Windows because some of my programs are not available for other OSes(Thanks to the monopoly). Frankly, Windows is a flawed operation system, and I would rather not use it because it occationaly restricts my productivity. For this reason, I am strongly opposed to any practice(Both technical sabotage and monopoly like practices) that discourages the development of software that works with or in place of Windows.

In its current form, I believe the Proposed Final Judgement is full of loopholes that will continue to let Microsoft exercise a monopoly on the computer industry. The Windows OS must not be allowed to impair the abilities of other software or operating systems. Furthermore, Microsoft should be forced to take further steps to make it easier for developers to create products designed for Windows in order to insure a free market economy.

In addition, I strongly recommend an addition to the settlement which prohibits Microsoft from requiring any sort on internet access or logging onto any Microsoft network to gain full use of Windows.

In other words, Windows should be a stand alone product that does not need to connect to the net to gain functionality. Some people do not have internet connections to make this possible and some would prefer not to get such a connection. I believe that this part should be a temporary stipulation to be reviewed in about five years. At which point a non-biases committee should decide whether to lift the sanction in order to accomodate new technology.

MTC–00025276

From: Brian Freeman
To: Microsoft ATR
Date: 1/25/02 6:46pm
Subject: Microsoft Settlement

this is a bad idea!!!!!!!!

MTC–00025277

From: Holden
To: Microsoft ATR
Date: 1/25/02 6:47pm
Subject: microsoft settlement

Please settle this thing and let it go. It is already costing the consumer too much money.

Much more than we can afford. I truly beleive that this started the economic downturn. If you want to go after a monopoly, why don't you get rid of the post office? It will break us all.

Mr. and Mrs. Robert s. Holden
Let go and let God

MTC–00025278

From: Chad Miller
To: Microsoft ATR
Date: 1/25/02 6:48pm
Subject: Microsoft Settlement

I think the proposed settlement is terrible. In particular, III(J)(2) should not restrict distributions to ''businesses''.

The only real potential for competition to Microsoft comes from organizations that are too informal (and not-for-profit!) to be called businesses. Other non-business orgs (like the Government) should not be excluded, either. Require MSFT to publish (on an unrestricted website!) the same API documen- tation that their internal application developers have.

Chad Miller <cmiller@surfsouth.com>
<url: http://www.advogato.org/person/cmiller/>

MTC–00025279

From: Woynarowski, Jan
To: Microsoft ATR
Date: 1/25/02 6:45pm
Subject: Microsoft Settlement

To whom it may concern,

January 24, 2002

I would like to express my concern regarding the obstacles to the final settlement in the Microsoft case. It is my deepest belief, that the general public and the economy of our country will benefit from the expedite finalization of this case. Microsoft is a successful company that in not insignificant way has contributed to the computer revolution. I feel that attempts to restrict the further growth of Microsoft serve primarily a very narrow segment of our society that comprises those of Microsoft competitors who are not innovative enough but still would like to impose their un-competitive products on the public and collect un-deserved profits. Being a cancer research scientist, I need efficient software and powerful computers for all aspects of my professional activities. I see very acutely, that it was Microsoft, who has brought us the badly needed software tools at reasonable prices. This in turn has precipitated the never-ending progression in computer hardware power and the development of new scientific instruments that enormously increased our capacity and accelerated biomedically-oriented research. Microsoft has become pseudo-''monopolist'' only because its customers voted for its products with their wallets, like I did. Having restricted funds for research, coming in part

from taxpayers, it was always my concern to stretch my research dollars by buying quality software, both operating systems and applications. With my purchases, I have voted for innovation and efficiency. Microsoft has responded to my needs over the years in terms of both quality and affordability.

My cancer research laboratory is not an exception. In thousands of laboratories, Microsoft products contribute to the ongoing biological revolution that is already benefiting our lives. Let Microsoft continue to innovate in their specialty, software, because their today's innovations will give us scientist tomorrow new cutting edge tools. Let them continue to develop comprehensive operating systems that will work as smoothly as possible with their application software, because this will save us all money and will increase our efficiency and productivity. Let them donate computers to schools. It will not strengthen Microsoft ''monopoly'' . To the contrary—some of these kids will get a chance to become Microsoft competitors—and this will benefit all of us.

I feel that it is in the best interest of American science and American society that the infamous Microsoft case is finally closed according to the terms of the agreed settlement. I urge you to accelerate your efforts in that direction.

With regards,

Jan M. Woynarowski, Ph.D.

Associate Professor, Molecular Pharmacology

Cancer Therapy and Research Center

Institute for Drug Development

and

University of Texas Health Science Center

Department of Radiation Oncology

14960 Omicron Dr.

San Antonio, TX 78245

Phone 210–677–3832 Fax 210–677–0058

E-mail: jmw1@saci.org

Jan M. Woynarowski, Ph.D.

Associate Professor, Molecular Pharmacology

Cancer Therapy and Research Center

Institute for Drug Development

and

University of Texas Health Science Center

Department of Radiation Oncology

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Phone 210–677–3832 Fax 210–677–0058

E-mail: jmw1@saci.org

CC:MSFIN@microsoft.com@inetgw

MTC–00025280

From: HalnMarie@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:49pm
Subject: Microsoft Settlement

Dear Sirs:

I believe the proposed settlement with Microsoft is fair and appropriate. The status has been in limbo long enough and the industry has been damaged enough by the uncertainty of the outcome. President Bush has advocated a quick resolve to this in the interest of the U.S. economy as a whole, and I personally agree with him since I, along with all the other stockholders of tech stocks, have lost a lot of my retirement savings during the time it has taken to stabilize the market with a just resolution. Please do not delay any further to accept the agreement reached by Microsoft, the Department of Justice, and nine states, which in my opinion is tough but fair to all parties. I need to regain confidence in the American economy and in my investment portfolio.

Sincerely, Marie Allen Smith, Ed. D.
Retired Educator

MTC–00025281

From: Margaret Ho
To: Microsoft ATR
Date: 1/25/02 6:49pm
Subject: Microsoft Settlement

I'd like to give my opinion of the Microsoft settlement with the government: let the settlement stand and and get the other nine states in on the settlement. Haven't we had enough litigation already? Where is the free market? If Microsoft make inferior products, it would have been left behind. If Microsoft's competitors can't keep up, they need to think of other products or more innovations, not run to big government to pull back Microsoft. We certainly do not need Congress to tell people what to buy or what services to use. Why should Microsoft be punished for success??? The marketplace should level the playing field, not politicans who know little of the details of the workings of business. Microsoft is not the Standard Oil of New Jersey; Microsoft grew big and strong on its own without buying and cobbling together its parts. Does the government want to distract Microsoft with lawsuit after lawsuit so it will fall back with products and innovation (like with IBM years ago), thereby leveling the playing field for its competitors? Let the settlement put an end to this unfair hounding of Microsoft, and the marketplace will take care of business. I really like and use my Microsoft programs and other products every day—I don't want my computer life interrupted! Thanks for listening.

MTC–00025282

From: rhad@rhad-linux@inetgw
To: Microsoft ATR
Date: 1/25/02 6:50pm
Subject: comment on MS settlement
FROM: Hanskarl Borck
2802 W. Bay Area #1704
Webster, TX, 77598
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the United States Department of Justice:

I am writing in response to the proposed settlement to the Microsoft Antitrust Case. This matter has become quite important to me in the past several years as a student at the University of Houston, and an active computer user and enthusiast. Within this letter I will first explain why Microsoft must be punished more severely than the settlement proposes. Then I will outline what I consider to be a more fitting settlement.

The Problem with Microsoft

The primary reason that I believe in punishing Microsoft more severely revolves round their blatantly unfair actions in an extremely competitive market. For instance, I can easily cite their purely anti-competitive deals with OEM computer manufacturers, or the obvious bundling of Internet Explorer with the OS purely to dominate the browser market.— However, my primary concern tends to lie not with these problems as much as their unwillingness to adapt to current computer standards and open up their most common APIs and document formats.— It is obvious that Microsoft totally dominates the computer industry.— Through this dominance, its document formats (.doc, .xls, .ppt etc.) have become increasingly used throughout the corporate and personal world.— However, Microsoft won?t let anyone else play. The formats utilized by these programs are unreleased and a closely guarded trade secret.— More importantly, Microsoft has released more and more of their communications protocols to the Internet world without supplying sufficient data to let other systems communicate with them.— They blatantly ignore current standards and introduce intentional bastardizations solely to leverage their monopoly further.— For instance, Internet Explorer contains intentional problems with properly reading and displaying normal HTML as defined in various standards papers.— However, rather than being held responsible for this ?bug?, Microsoft implied that the web sites were responsible instead.— As the public became further and further entrenched in Internet Explorer (via the OEM deals and bundling aforementioned) web designers were forced to ?correct? their good code to display properly on Internet Explorer, leaving people not using Internet Explorer wondering why all of the sudden their standards-conforming browsers no longer worked.

There are hundreds of other examples like that one, many of them much more important. Specifically, with the possible emergence of Microsoft's .NET plan, normal operation under the web, already heavily drugged by Microsoft, would become almost inherently Microsoft based.— The way I read it, .NET creates a one-time access point for all web communication.— You login a .NET server, and then grab the appropriate information to complete online transactions, downloads, password completion, maybe even web-site access.— Does anyone honestly think such unbelievable control would be used fairly by Microsoft?— Does anyone even think that a different operating system would be allowed to login without deliberate loss of functionality, if it could login at all?

MTC—00025282—0002

In summary, Microsoft has abused its monopoly and stifled competition via three prime methods:

1) OEM deals which lock out the competition.

2) Increased bundling of their products with the Windows OS.

3) Releasing file formats, APIs, and communication protocols in proprietary formats.

The Ideal Solution

Contrary to a large majority of people like me, I do not believe that breaking up the company would result in any productive fix

for the Microsoft monopoly.— Rather, I would stress that there are two things that must happen.

1) Microsoft must stop making deals with OEM vendors that disallow competition, or punishing those vendors that refuse to capitulate via increased fees or withholdings.

2) Microsoft must release its most common formats, communication protocols and APIs to the public.

With regards to 1), the DOJ settlement has outlined a good set of regulations except the restriction that non-MS middleware must either not display a user interface or should display a user interface similar to the corresponding MS product. This forces competing software vendors to imitate Microsoft's lead in these product lines. To the user then, it seems that Microsoft is the only innovator and the other vendors are merely copying. There should be no restrictions on competing middleware products. The desktop configuration should be entirely up to the OEM.

However, objective 2) is addressed by the settlement but fails in a huge way. Ideally I hope to see after the settlement this type of scenario:

Jon Doe is not a rich man, but he is not poor either.— He desires to buy a computer for his family, and so he heads to the store.— His first option is a computer with the Microsoft Windows OS.— Jon is familiar with it, as he has used it before at his workplace, but he was unaware of the cost, which is much more than he can afford. Upon a closer examination, he realizes that the Windows computer forces you to buy many other bundled pieces of software as well; an office suite, a firewall, a CD-burning program, a paint program, and more.— Reading a little more, J0n als0 discovers that he cannot install any of the programs on another machine in his house because he is only ?renting? the software, and must pay Microsoft again in order to use it again.— Uncomfortable with such limited control over what he pays for, Jon moves further down the aisle to the Linux computer section, which has lower prices. You can buy either a stripped down low cost version, or an intensely modified and software heavy version. Better yet, the cost for the software is next to free, and it can be reinstalled as much as you want. Here is the kicker for Jon:— And it will fully support standard Windows formats and protocols to ensure proper communication in a Windows network. Jon could also look at the Apple section; it too states full computability with the common Windows machines found on the Internet.

MTC–00025282—0003

What I wrote above cannot happen today since the computer and Internet world has been enveloped in Microsoft products. No competition can truly occur until it does happen. Obviously, if these formats and protocols were opened, Microsoft would be forced to lower their prices (finally), and perhaps even offer computer manufacturers a less-bundled operating system. This is the key.— Microsoft in my mind can bundle as much as they want. It drives the price up, and increases complexity.— However, if the competition can compete in a Microsoft dominated Internet and computer world, the lower costs and increased options will force Microsoft to adapt in ways that benefit the consumer.— In other words, Microsoft can certainly attempt to sell as much as they want.— No one can deny that their products are useful and, while lacking stability and security, are fairly user-friendly.— At the moment though, Microsoft has managed to become the only option. They no longer have to price competitively, or market their products based on performance.— They have managed to make alternatives intentionally less functional from a Windows perspective. It is the car equivalent of Microsoft supplying cars that run best on their own proprietary gasoline.— Once they achieve some market dominance, carmakers and gasoline manufactures are suddenly in deep trouble when it comes to breaking into the market.— I believe that it is these proprietary formats and protocols that are really to blame in Microsoft's monopoly abuse.— In order to promote fair competition, these must be made open, and not just to some select groups as the settlement foolishly states.— Open to the General Public.— The people forced to maintain Microsoft products, and use their software are not just these select vendors and groups. More importantly, these binary formats and protocols cannot be seen as intellectual property since Microsoft has managed to become such a dominant player.— They are now the de facto standard.

There are many other things about the settlement I think could be made more friendly to the computer industry and software professionals Microsoft has continually abused.— However, I truly feel that the majority of these discrepancies are unimportant when compared to the necessity of opening the Microsoft APIs, file formats, and communication protocols.— This freedom to expand on the now (albeit unlawfully) standard Microsoft product-line will allow the industry as a whole to slowly catch-up to Microsoft in the computing sector.— This competition and increased innovation will naturally spur Microsoft to better products as well, all benefiting the consumer.— And that is the goal right?

To benefit the consumer.

Sincerely,

Hanskarl Borck

MTC–00025282—0004

E-Mail: rhad <hborck@mail.uh.edu>
Date: 25-Jan-02 Time: 17:54:36 This message was sent by XFMail

MTC–00025282—0005

MTC–00025283

From: mike
To: Microsoft ATR
Date: 1/25/02 6:50pm
Subject: Microsoft Settlement

To Whom it May Concern,

I must strenuously object to the proposed settlement with Microsoft. It is clear that Microsoft is not phased by your actions as they continue, even now the very activities of which they have been convicted. In the past several weeks they have filed a frivolous lawsuit against Lindows Inc. in an attempt to use their vast wealth to bankrupt a competitor. Further, even with action hanging over their heads, they released an operating system with yet more forced hooks in it, and are branching out into the internet infrastructure (.net) and the game box (xbox) arenas. Earlier this week they announced they would extend the capabilities of the xbox to include web browsing, e-mail and other computer related functions. This is clearly a first step (well not really a first step, remember the PC99 standard) to break into the computer manufacturing business. Microsoft producing computers would place the final nail into the coffin of choice for PC owners.

On the issue of a breakup, I don't think this is a good idea. I believe leaving Microsoft intact and compelling them to abide by the additional constraints of being a monopoly would be more effective. A much better solution would be to restrict their exercise of their software patents, and prohibit further patent action. Along with this a true opening of their file formats and apis would be in order. A breakup would leave 2 or more companies, unencumbered with the stigma of monopoly, but with the same majority stockholders and management team. This would almost incurs in the realm of a reward for wrong doing. If a breakup were to be effective it would need to completely disassociate the resulting companies. More importantly the development tools division would have to be spun off. With the development tools being created by an autonomous company, the stranglehold that Microsoft holds on the industry may be broken. No more would there be apis visible only to the developers that create Microsoft operating systems and applications. And perhaps the steady decline of useful documentation for the development tools would come to an end.

Thank you for your attention in this matter.

Michael G. Grello
Principal Programmer
MaranaTha Software

MTC–00025284

From: GTEmail
To: Microsoft ATR
Date: 1/25/02 6:51pm
Subject: Microsoft Settlement

GlacierDear Sir:

I support the settlement agreed to by both parties and I believe efforts to modify the settlement terms are miss-guided.

Please proceed with the settlement on the terms now proffered and accepted. I believe this action will benefit all interested parties.

Sincerely,

Mark K. Young

MTC–00025285

From: pendleth@intelnet.net.gt@inetgw
To: Microsoft ATR
Date: 1/25/02 6:48pm
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,
T.H. Pendle
119 Phyllis Ct.
Vallejo, CA 94590–8118

MTC–00025286

From: Frederick A Farley
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: Microsoft settlement

We think this is gone far enough! To do further litigation would only cost more money to the taxpayers and muddy the waters more yet to no avail. We think that Microsoft has paid enough. Lets let them get on with their business of producing quality equipment and programs to better serve the public. Thank You

Loralee & Frederick Farley

MTC–00025287

From: Ron Smith MD
To: Microsoft ATR
Date: 1/25/02 6:51pm
Subject: My Comments

I don't have a clue how the government can prosecute and win the antitrust suit against Microsoft, and then give them back every monopolizing area they already had.

I'm an Apple Macintosh user, so I'm very familiar with Microsoft's attitude toward competition.

The agreement stinks and smacks of someone in the government being paid off.

This settlement is corrupt!

Ron Smith, MD

MTC–00025288

From: VISHNU A GOKHALE
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: ''Microsoft Settlement.''
The Justice Department
Washington D C

Dear Sirs,

Please accept the settlement with Microsoft.

I want to let you know that consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Vin Gokhale
1/25/02

MTC–00025289

From: Anitabrubaker@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: Microsoft Settlement

Honorable Judge,

It is my view that the proposed final judgment in the U.S. vs. Microsoft antitrust suit is seriously flawed.

Microsoft is a convicted monopolist who has run afoul of this country's antitrust laws, making many billions of dollars in the process. This proposed settlement would allow the company to keep almost all of these illegal profits.

I am also concerned that there are no provisions in this proposed settlement to prohibit this monopolist from continuing to engage in anticompetitive activities. Allowing Microsoft to police itself is no solution, and we certainly don't need a government-mandated monopoly.

I urge you to reject the proposed final judgment.

Sincerely,
Anita Brubaker
1502 Esbenshade Road
Lancaster, PA 17601
(717) 295–7374

MTC–00025290

From: actsman1@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: I am against these bureacratic lobbyiests and let's get on with the best

I am against these bureacratic lobbyiests and let's get on with the best for all people involved. This has gone on far enough and it is time to do what is right and ethical. I am tired of this political Wrangeling. Where are the people who were sent to Washington for the good of the voters? Get off of your fat duffs and let's be truthful for once. For shame!!!!!

Sincerely,
Douglas Sargeant

MTC–00025291

From: Michael Musty
To: DOJ vs. Microsoft
Date: 1/25/02 6:54pm
Subject: Microsoft Settlement

I am writing to state my opinion of this settlement issue. Firstly, I am a computer consultant and programmer and I use a variety of software languages and platforms. My feeling is that Microsoft has succeeded in the market place because the quality of their software products is far superior to any of the other software vendors. They know how to build software very well. And they deserve their position in the market. I buy their products because I know they will treat me right. You can't say that about Netscape or alot of the other software vendors.

However I do not know much about the inner business strategies and behaviors of the MBAs on their non-technical staffs, so I can't speak about them. I do know, from a technical point of view, they put out a far superior product than netscape and the other software vendors. Please don't restrict their ability to continue producing software the way they do!

Michael Musty
Datapattern Inc
Minneapolis, MN

MTC–00025292

From: jason—lamb@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:54pm
Subject: Microsoft Settlement

I do NOT feel comfortable with this settlement. Please do not make it easier for Microsoft to tighten its strangle hold on the American people. Every day I try to convince someone else to try an operating system besides windows. Linux, BeOS, or MacOS are all good choices. They tell me ''Why switch when I know that Microsoft will bully any other competitor out of the way?''

I don't have an answer for them right now. When I see the direction this case is going, I cant argue with them on that point. Why try to evangelize when Microsoft is above the law?

Jason Lamb
Hardware Engineer

MTC–00025293

From: rvuppula@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:56pm
Subject: Microsoft Settlement

I approve the proposed settlement in the case between Microsoft, the federal government, and nine states.

-Ravi
CC:rvuppula@microsoft.com@inetgw

MTC–00025294

From: rmbradfo@
rockwellcollins.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:55pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing to express my opposition to the proposed Microsoft settlement. Microsoft has made it abundantly clear over the years that it will willingly cross the line into monopolistic behavior whenever it pleases.

The only feasible remedy to this situation is to break the company into multiple new companies that compete directly. It is not enough to break Microsoft into one operating system company and one applications company, as this would apparently have the effect of spawning two new monopolists in separate markets.

By the way, I am a Microsoft stockholder and have been for many years. As I stockholder, I can and should ordinarily expect the officers of a company to maximize profits. Given the virtual monopoly Microsoft enjoys in the operating system market, however, we can conclude from basic economic theory that Microsoft will not be maximizing profit unless it restricts output below the (competitive market) equilibrium price, thus restricting sales below the welfare-maximizing level. As this is harmful to the public welfare, I hereby sincerely ask that you limit the returns of stockholders such as myself by ending the monopolistic practices of Microsoft once and for all. I have no wish to profit from harm to the public.

Respectfully,
Richard Bradford
Cedar Rapids, Iowa

MTC–00025295

From: Whitney Tracy

To: Microsoft ATR
Date: 1/25/02 6:57pm
Subject: Microsoft Settlement

Dear Sir or Madam,

It is my opinion that the currently proposed settlement with Microsoft is INADEQUATE and IRRATIONAL. I believe that a fair settlement should include a hefty amount of cash ($1 billion+) and legal restrictions on Microsoft's future business developments.

Sincerely,
Whitney A. Tracy
Austin, TX
A concerned US citizen.

MTC–00025296

From: efdjbaron@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:56pm
Subject: Microsoft Litigation

I believe that the proposed Microsoft settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

I strongly urge the Justice Department to adopt this settlement and end the prolonged litigation and high costs to the government of this procedure.

I am offering these comments under current law (known as the Tunney Act) which allows public comment on the proposed settlement up until January 28th.

Thank you for your consideration.
Elmer F. Baron
24670 S.W. Old Hwy 99 W.
Sherwood, OR. 97140
efdjbaron@juno.com

MTC–00025297

From: Jeff Jackowski
To: Microsoft ATR
Date: 1/25/02 6:58pm
Subject: Microsoft Settlement

The Proposed Final Judgement in the case United States v. Microsoft will not prevent Microsoft from continuing anit-competetive practices. The PFJ has a number of loopholes that will allow Microsoft the latitude for monopolistic actions, and Microsoft has already proven that it can find and exploit such loopholes.

The loopholes include:

* Narrow definition for API
* Narrow definition for Middleware
* New Windows operating systems are not covered by restrictions
* Per-processor licensing allowed to continue for enterprises
* Allows restrictions against the creation of Windows compatible systems
* Allows discrimination against Open Source software

These loopholes must be corrected if the anti-trust case against Microsoft is to have its intended effect of restoring competition to the market.

Jeff Jackowski
110A Northington Place
Cary, NC 27513

MTC–00025298

From: Brian Beattie
To: Microsoft ATR
Date: 1/25/02 6:57pm
Subject: Microsoft Settlement

The Proposed Settlement in this case, is severly flawed, propable fataly so.

Microsoft has arguably held a monoply in the PC OS market since 1990 and has used this fact to disadvatage and destroy competitors. This has clearly harmed consumers, by limiting there options. It is difficult to guess as to what developments never say the light of day due the chilling effect of Microsoft actions. That a number of products were not allowed to compete fairly in the marketplace is clear.

Microsofts actions since the inital verdict nakes it clear that Microsoft is unlikely to act lawfully in the future, nor to allow competition to return to the marketplace.

MTC–00025299

From: Maia, Joe
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement
Joseph P. Maia
15 Brook Drive
Burlington, NJ 08016
Renata Hesse
Trial Attorney, Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

The following comments pertain to the Revised Proposed Final Judgement, 6 Nov 2001 (''Revised Judgement'') for the antitrust case against Microsoft (''MS'').

I will also refer to the Plaintiff Litigating States'' Remedial Proposals, 7 Dec 2001 (''Alternate Judgement'').

I am a senior software engineer with over 23 years experience in the software development industry. I have worked as both an employee and as a consultant. I currently work for a major software systems development firm in the defense industry.

Over the course of my career I have worked on development projects for both the defense and commercial industries, designing and developing both system and application software. And as one would expect, over the years I have used a variety of operating systems and programming languages. Most recently I have been developing applications using the Java programming language and runtime system.

The depth and breadth of my experience in the software development industry puts me in a position where my comments may provide additional insight into evaluating the merits of the Revised Judgement. A judgement which I characterize as woefully inadequate. First and foremost, I am deeply disappointed at the decision of the Department of Justice (DOJ) not to pursue any breakup of MS. I was also disappointed when Judge Thomas Penfield Jackson's remedy was announced. I feel that MS should be split into at least four companies: operating systems, office products, enterprise/server products, and consumer products. However, upon reading the details of that remedy, I felt it was the absolute minimum which must be done if there is to be any hope of a successful remedy which will not require continued litigation further down the road. Baring a structural remedy, many of the conduct-only remedies should be designed as if MS were being broken up, as this in many ways is the heart of the problem—MS controls both the operating system (''OS'') and many important applications, and has not hesitated to pursue illegal means to use this to their advantage. Since the possibility of a breakup appears moot, the remaining comments deal specifically with the Revised Judgement.

Since my expertise is in the area of software development and not marketing, my comments will deal primarily with the needs of the software development community and the impact that might have on consumers.

A FEW DEFINITIONS

There are a couple of terms which the press seem to always get wrong, or to use interchangeably, when only one term is correct. These terms are used when discussing how a product or application may be included in a supporting OS. ''Bundled Product'' A bundled product is one which is simply ''dropped into'' an OS. Its files are completely separate from any OS files. If the product is removed from the OS, it does not affect the continued operation of the OS or of any other application (barring the possibility of unintentional file naming conflicts where certain definition files may have to go into common locations).

''Integrated Product'' An integrated product on the other hand is tied into OS files in one way or another (also called ''co-mingling of code'') so that you cannot remove the product without adversely affecting the operation of the OS and possibly other applications. An ''Integrated Product'' is quite different from functionality which appears ''integrated''—the latter referring to how seamless the interface feels to the user. ''Plug-in''. A plug-in architecture or API allows for the addition of added functionality to an application or OS through a standardized interface. This may or may not include additional top-level windows, or any new user interface at all. For example: this might allow third-party additions to a graphics editing program which would include additional windows, or it could also define a way for an OS to allow the OS developer or any third party developer to provide ''integrated'' functionality without undue benefit to the OS developer and without undue bias against any third parties (such as HTML interpreters, or digital video format interpreters).

THE HOUSE THAT MICROSOFT BUILT

I have found that comparing the software development industry to the housing construction industry helps to clarify the issues at hand and will help to point out the problems I see with the Revised Judgement.

The computer OS is very similar to a newly constructed house when you consider what should or should not be included with it. Both provide a framework and a collection of basic services for you to use with all the personal belongings you own. In the new home you have standardized outlets, pre-wired phone lines, a central air/heat unit, built in kitchen appliances, possibly pre-wired cable TV lines, built-in connections for laundry washer and dryer, a water tap for refrigerators which make their own ice cubes, and possibly other items as well.

The computer OS also provides a number of services and built-in applications for basic operations.

The big difference between the two industries is that in the housing construction industry all your built-in appliances, electrical service, etc, are all standardized and publicly known (any built-in appliance can be replaced with another appliance from any manufacturer)—but in the software development industry, the primary OS, the one with a 95% share of the desktop market, has a stranglehold on the industry because of proprietary built-in products (integrated products) and hidden APIs.

The final remedy should address this inequity so the OS is more like an empty new house. This is not to suggest that the OS must be laid bare, but due consideration should be given to the effect on the software development industry as well as consumer choice, if certain products are allowed to be included in an OS without some sort of limitations on how the product or capability is added.

The only equitable way to guarantee an even playing field is to simply not allow any integrated products in a monopoly OS.

Bundled products and plug-ins should be allowed, but only if they can be completely removed and/or replaced with competing third-party products, without restraint, by either hardware manufacturers/resellers or consumers.

If MS were in the housing construction industry, they would want to sell you a furnished house filled with MS-branded appliances and furniture—and so constructed that you would not be able to replace any built-in product with a non-MS product. What is even worse, MS's new licensing policy would be the equivalent of only renting new houses to its customers!

The next few sections detail specific changes and additions to the Revised Judgement which are necessary if there is any hope at all of providing equity to third-party software developers, a Technical Committee with the ability to actually be effective, and true choice for consumers.

THE NEEDS OF SOFTWARE DEVELOPERS

For software developers, the OS is a commodity which drives all product development. Without all-inclusive and detailed information about the services available in the OS, developers cannot develop viable products for that OS. And if one group of developers is given more complete information than other groups, then the more informed developers will produce the more compatible, the more ''integrated'' (i.e.: more seamless interface), and the more full- functioned product. In a monopoly environment, it is even more important than ever to guarantee the equal distribution of detailed documentation about the controlling OS as well as included Middleware products.

First and foremost, there can be no time limits on requirements that MS divulge full documentation on all existing and new APIs, or upcoming changes to existing APIs, to non-MS developers. Otherwise, the day after the Judgement expires, MS could very easily make a few minor changes to their APIs and not publicize them—and we would be right back where we are today. In fact, all of these comments pertaining to software developers— as well as the comments below discussing consumer choice— should have no time limits!

The Revised Judgement is unfair to non-MS developers in allowing MS to not divulge changes to their APIs until the ''last major beta''. MS should be required to announce all proposed changes to APIs in the form of a ''White Paper'' at the time the change is proposed. As each new version of an API is defined or necessary changes to an API are decided upon, MS should be required to announce the new API description. And MS should be required to announce, as accurately as possible, the timeline MS plans for formal release of the modified API. Any ''early-release'' versions of API libraries made available to MS developers must also be made available to non-MS developers. Any delay in informing non-MS developers of upcoming changes to APIs is an unfair advantage to MS developers. There can be no limitation on who can see this documentation— this information must be available to any interested party without restriction, either via published books at reasonable prices and/or via freely available web pages on the Internet.

The wording of the Revised Judgement pertaining to the definition of ''documentation'' leaves much to be desired. I believe MS can interpret this to mean they can keep the same level of documentation they current have—which is to say the omission of certain API details as to give MS developers the advantage over non-MS developers. The wording in the Alternate Judgement does a better job of describing what is needed. There can be no question that a full and complete detailed description of all APIs necessary for an developer to develop any kind of software to run on any MS OS or Middleware product be available (preferably on the web) for any developer to reference. I emphasize that ANY MS OS or Middleware product be included in this requirement—this should include handheld devices, new devices (such as the X-Box), and server-side OSs and Middleware.

The level of detail and completeness should be sufficient so that any competent developer can use the API without the need to examine the source code to resolve questions the documentation should answer. This level of detail is well recognized within the software development industry.

Not mentioned in the Revised Judgement are file formats. In a monopoly position, it is important to require the monopolist to divulge file formats which controlling OSs, Middleware, or applications use. These full disclosures allow non-MS developers to develop competing products which can read and/or modify these files. These competing products might run on any OS, not just MS's OS. When MS plans changes to these file formats, they should be required to follow the same procedures detailed above for APIs.

When an OS enjoys a monopoly position, it is very important for the health of the software development industry, the benefit of consumers, as well as the continued operation of standards- development and approval bodies, that the controlling OS supports such standards and does so faithfully. MS should be required to faithfully support all recognized standards which the software development industry and other OSs support now and in the future. MS must be required to implement these standards so that any MS or non-MS product which follows the ''standard'' can inter-operate with the OS and other MS products without any degradation of function. If MS wants to add ''enhancements'' to a standard, it must do so in such a way that any product which strictly follows the standard does not see any degradation of function. Failure to require MS to faithfully support standards will ultimately result in important ''standards'' becoming ''Microsoft-ized'' which will force users of the ''standard'' to use MSs OS and applications.

Integration of applications into the OS simply should not be allowed! MS should be required to un-integrate its Internet Explorer product, as well as other products it has integrated into its newest Windows XP OS. Only bundled products and plug-ins, as I described above, should be allowed to be added to an OS. If any ''default'' applications can be specified in the OS, then any application with the same basic functionality, whether MS or non-MS, should be able to be set as the default. The location in the OS where a default application can be set should be intuitively obvious and not hidden away in a hard to find menu somewhere.

With the above exclusion of integrated products in the OS, any bundled or plug-in product, MS or non-MS, should be allowed to be completely deleted from the OS. In the case where a product must be specified as a default for proper operation of the OS, the user should still be allowed to delete any vendor's product, MS or non-MS, and be given a choice to specify a different default. The only time a deletion would not be allowed is if the product were the 0nly product installed on the OS which could be specified as that default. To ''delete'' a product should never mean ''hide its icon from view''—which is what the Revised Judgement allows. This supports the continued integration of application code into the OS. The code of the hidden product, even though the user no longer sees its icon, can still affect the operation of the OS and potentially disturb the operation of competing non-MS products. Developers need to know that an OS version is stable and unchanging and that installing a new application is not going to change some OS files (i.e. API libraries) and potentially break their applications.

The developing MS .NET initiative should also be mentioned in the final Judgement. A core idea of .NET is the ''Common Language Runtime'' (CLR). This is a Middleware product just as Java's Runtime System is a Middleware product. It should be clearly stated in the final Judgement that MS cannot develop an OS version where every product is forced to run on the CLR (in other words, MS cannot integrate the CLR into their OS such that other products would not be able to run properly without it). This requirement goes hand-in-hand with requirements stated above to disallow integration of products and

to require MS to support existing and future standards as the industry needs. As a monopoly OS, MS must be required to continue to support the widest range of applications and services to guarantee a healthful and innovative climate for software developers.

Specific mention of ''intentional incompatibilities'' should also be made in the final Judgement. MS was found guilty of adding intentional incompatibilities in an earlier court case involving Windows 3.1 and DR DOS. MS should be warned not to continue this practice in any form. Hopefully the Technical Committee to be set up will be independent and strong enough to be able to guard against this.

THE TECHNICAL COMMITTEE

The proposed Technical Committee must not have undue influence from MS. To this end, no member of the committee should be appointed by MS and MS should not have any veto power or any other kind of oversight power over the committee. There should be no limitation on who can be selected for the committee. MS should provide all necessary money to pay for the committee, but an independent organization should manage the administration of the money.

Technical Committee members should be totally free to divulge to the public any problems or questionable practices it discovers, though source code should not be allowed to be divulged without proper peer review. When questions arise concerning source code, they should first be put through a formal review—if the code is indeed found to contain ''illegal'' code, then the source code should be allowed to be divulged and MS forced to fix the problem.

The Technical Committee should have full access to not only the source code but all tools, compilers, and pre-processors which might be used by MS so that the committee can verify independently—by generating its own executables from the source code and verifying their equivalence to the released executables—that they have a complete copy of the source code which actually produced the released product. This will protect against the possibility that MS might be hiding bad code by introducing last-minute patches to their source files as they generate their executables.

If the Technical Committee finds repeated infractions of the Judgement, or gross negligence, it should be stipulated that the Court can reconvene at any time to ponder splitting up MS if the conduct remedies are not effective or are simply being ignored.

EQUITY IN CONSUMER CHOICE

The final Judgement should stipulate the following principles which MS must follow to maximize consumer choice:

1. The setting of default applications, and the installation or deletion of applications, should always be user driven. Never should the code decide on its own to do these things.

2. MS should be required to provide only an ''empty house'' OS with additional CDs which contain all the MS products MS wishes to bundle and/or plug-in to the OS. These additional products are optional. Each product can be individually installed or deleted from the OS. MS cannot scare the consumer into installing its optional products over non-MS products by any comments in documentation or installation windows. Hardware manufacturers and resellers are free to install either MSs optional products or non-MS products. To keep MS from killing other market categories, and to potentially reinvigorate market categories it has already hampered or decimated, MS should not be allowed to include any products on these additional CDs where other non-NS products already exist in the marketplace unless these other products are also offered for free. When competing products for sale exist, MS must compete for market share with separate products at reasonable prices.

3. MS can publish a separately available OS for purchase by consumers which includes all its allowable bundled and plug-in MS products, but it must still include the additional CDs mentioned above so users have full access to installation and deletion options.

4. MS must compete with all other software developers to provide quality products for bundling and plugging in. MS must publish price lists for these products, including volume discounts, just as described for OS price lists, so MS cannot force its add-ons on its vendors.

5. No MS OS, Middleware, application, or plug-in can periodically pop up a dialog or some other message asking the user if they wish to do this or do that or purchase this service or purchase that service. Windows XP is an example of this horrendous behavior. At the very least, the user must be able to turn this ''feature'' off at any time.

6. When MS releases new versions of software which support modified file formats, MS should be required to provide separately available, reasonably priced or free, software which will convert not only the older format to the new format, but also convert the new format to the older format. This will negate the benefit MS gains by purposely changing file formats for no other reason than to force customers to purchase the latest version of their software.

THE BOTTOM LINE Most of the above suggested remedies would come naturally if the court simply split MS into at least two companies as was originally decreed.

Joseph P. Maia

MTC–00025300

From: Weston Cann
To: Microsoft ATR
Date: 1/25/02 6:59pm
Subject: Microsoft Settlement

I wish to write to express my dissatisfaction with the proposed final judgment (PFJ) in the Microsoft case. I am not a legal professional, but I am a software developer with 10 years of experience developing across the Windows/DOS, Macintosh, and Unix platforms. As an observer of and worker within the software industry, it is my conclusion that while the intent of some provisions in the judgement are worthy, overall, the judgement as written allows and even encourages significant anticompetitive practices to continue. As both a remedy and a punitive action discouraging future misbehavior, it seems likely to fail unless areas of concern are addressed:

(1) The PFJ as I read it in section III requires Microsoft to open up its networking protocols and APIs to certain businesses deemed viable and safe by Microsoft itself, under terms it determines. The release of such protocols and APIs is an essential part of any good remedy, and it is heartening to see it in the proposal.

However, having Microsoft make the decisions about what constitutes a viable business is a formula for failure. It is not difficult to imagine a scenario whereby the processes/criteria for obtaining API and protocol information become a barrier to entry, especially for those organizations not in Microsoft's favor.

Furthermore, a whole host of legitimate organizations are left out under the language of the agreement: academic institutions, governments, public interest groups, and open source developers. Not the least of these are foundations and cooperatives such as the Apache Group, makers of the market leading webserver Apache, and the SAMBA team, makers of software which enables networking interoperability between Windows and other operating systems. Each of these organizations provide valuable and widely used software, but do not qualify as businesses. Microsoft has publicly stated that it considers open source software among the biggest threats to its business, and so Microsoft has incentive to avoid disclosing information to these organizations. A fully effective PFJ absolutely must contain reasonable provisions enabling academic institutions, government organizations, public interest groups, open source developers, and others to easily obtain required information.

It is not lost on me that security concerns are referenced as reasons for the apparent concessions that let Microsoft determine recipients of documentation. Security is not an unreasonable consideration, especially as computing is increasingly associated with connectivity and communications. However, the argument that security must be maintained by secrecy regarding protocols and mechanisms is weak. Modern accepted professional security practices, much like modern academic practices, rely on extensive and open peer review of a security mechanism or protocol, and a system is considered truly trustworthy only after being widely tested with its inner workings exposed. While no system is without security flaws, the recent plague of security problems in Microsoft's email, webserver, and office productivity products highlight the relative ineffectiveness of Microsoft's current ''closed'' approach.

Thus, a high degree of openness—even regarding things related to security—is unlikely to hurt Microsoft, and might in fact make their products more secure. Additionally, if Microsoft is allowed to avoid disclosing things related to security, is not difficult to imagine a scenario where it would intermingle security protocols and standard communication protocols, thereby relieving itself of any obligation to provide information about those protocols to an outside party. Because the ''security'' provision outlined in section J provides only weak legitimate benefits at best for Microsoft, and has great

potential for abuse, it will need to either be struck from the agreement, or carefully modified with these concerns in mind.

Additionally, the disclosure agreement leaves out file formats, which lag only slightly behind communications/networking protocols and APIs in terms of essential importance to interoperability. Addition of these to the list of things disclosed under the agreement frees consumer data from lock-in by Microsoft, and removes a significant barrier to competing products.

(2) In section III of the PFJ, there is some effort against prohibiting Microsoft from drafting agreements with OEMs that are likely to be harmful to the consumer and competitors. The intent of each agreement seems worthy, but I question the overall effectiveness of the agreements, especially in light of the resourcefulness Microsoft has displayed in skirting the intent of earlier prohibitions on their activities with OEMs. The provisions in the PFJ must be tightened. A complete solution would impose several requirements on Microsoft agreements with OEMs:

(a) Microsoft may only differentiate the prices for any of its products (and associated support services) based on the volume purchased by the buyer. This price may never be greater than the published retail price for the product, or the average of the lowest retail prices found at three retailers, whichever is lower. The list of prices must be publicly available to any individual.

(b) Microsoft must sell (and deliver in a timely manner) to any buyer at the prices established, and may not make any stipulation of OEMs or resellers as a requirement of such a sale, nor make any such stipulations of them as requirement to resell licenses.

Combined with a sufficiently severe penalty for violation, these requirements would effectively immobilize Microsoft efforts to manipulate OEMs. It would also be easy to police: any organization which Microsoft refused to sell a product to or charged a higher-than-published price could simply report to the appropriate enforcement body.

(There is some flaw to these requirements alone—concerns about other incentives would still be present. Microsoft could, for example, say to an important OEM ''we'll pay for your marketing budget for the whole year if you will not include Competitor X's software on your machine''. This highlights the difficulty of any general solution. Perhaps a mixture of the general language of the PFJ —which discourages Microsoft retaliation —and this section in my document could address the problem.)

(3) Definitions within the PFJ provide loopholes big enough to drive a truck through. The language of the document suffers from lack of technical precision, which, in the end, will degrade legal precision and in turn prevent firm and timely enforcement. I advocate definition changes similar to those recommended by Dan Kegel in his online document at http://www.kegel.com/ remedy/remedy2.html

(4) I am concerned that the proposed Technical Oversight Committee will have limited power to report their findings and activities publicly. Especially considering the potential for different attitudes regarding enforcement at the DOJ (dependent on prevailing political winds), it would seem important for the industry and the public at large to know how effective the proposed remedies are. The actions and reports of the committee should be a matter of public record.

It is my hope that the court will carefully consider these points and include them in the final judgement.

regards,
Weston Cann
1089 N 250 E
Orem UT 84057
801.225.0304
weston@canncentral.org

MTC–00025301

From: Kromholz Seth-p53201
To: 'microsoft.atr (a)usdoj.gov''
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement

Dear Sir Or Madam:

I am a software engineer who writes code for a living. In addition, I have been following the computer industry intently for twenty years.

Last night I was flipping through an old catalog of software titles for early ''mid-eighties'' computer systems. Each product in the catalog was sold by a software maker that no longer exists today. Many of these companies were acquired by Microsoft. Others were put out of business by Microsoft.

The software industry today is a repressive environment, mostly due to the lack of ability to compete in so many markets. Every time a new product or innovation is introduced, a department at Microsoft is formed to counteract the threat by introducing a similar product, usually given away for free. There has been no real market force to stop them from using their natural monopoly in software operating systems to dominate nearly every other field of computing. It's as if the maker of the foundation of your house got to dictate everything that gets built on top, from your walls to your window draperies.

I would very much like to see Justice done in this case. The attempt that Microsoft and Bill Gates made to settle the antitrust suit was reprehensible (donating software to schools which cost them next-to-nothing to make but which would entrench them even more heavily in that market at the expense of would-be competitors). Please make sure that this sort of insulting arrogance does not go unpunished.

Sincerely,
Seth D. Kromholz
Software Engineer
General Dynamics Decision Systems
seth.kromholz@ gd-decisionsystems.com

MTC–00025302

From: Alessandro Simonini
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement

This settlement is now the only way to keep peace in this complicated market, please leave Microsoft the right to innovate! The Information Technology Market is a Trillion Dorrar Market every year in the world, Microsoft count only for 30 billion, even if you think Microsoft is a Monopoly let this happen, you must to interven only when this monopoly don't innovate more, you may see innovation walking from monopoly to monopoly, from a company to another one... when the innovation is done and the market steady, and only when and if you will see monopoly you will have my consenus to fight the monopoly!

Thanks to read me,
Alessandro Simonini,
Ferrara, Italy.

MTC–00025303

From: Bridget Pitt
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft monopoly

You need to seriously reconsider the remedies you are taking against Microsoft. If you fail to reduce their total domination of computing, via the leveraging of their operating systems, you have failed the American People. It stifles competetion and innovation and if you dont believe that Microsoft will stop with computing you are truly blind. Revisit the thought processes of the 20th Century's greatest President Theodore Roosevelt. The man who took on the Robber Barrons and won. Bill Gates and Microsoft are even more powerful than J.P. Morgan and John Rockefeller-use the Sherman Anti Trust Act the way Teddy Roosevelt did, do whats best for the United States of America, not the economy in it's current state or the Presidents approval rating; but what is best for the Country long term. Severe measures will allow new start ups with fresh ideas to prosper-as it is now they are forced to play by Microsoft's rules until Microsoft can swallow them whole.

Please consider harsher penaltiesfor the Ghengis Khan of American Business.

Thanks for listening
Ken Pitt

MTC–00025304

From: rwhite9852@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:59pm
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,
Sue Whitehorn
2021 Gunn Road
Carmichael, CA 95608

MTC–00025305

From: Peter Cohen
To: Microsoft ATR
Date: 1/25/02 7:01pm
Subject: Microsoft settlement

To whom it may concern:

I have been following the Microsoft case from the very beginning and I have enjoyed a front row view having been an employee of Sun Microsystems for the last four years. In short, I am completely in favor of the settlement that has been reached. And I would insist that all further actions by the states attorney generals end immediately. I never thought the government should have entered this case. It is a totally political action brought about by Microsoft's competitors who have not been able to win in the marketplace based on their own business skills or rather the lack of them. Scott McNealy, the CEO of Sun desperately wants to be Bill Gates, in the worst way. And he is going about it in the worst way. He is extremely envious of his success, wealth, position, etc. and because he can not out market Microsoft he plans to out sue them, and use the government to help. And he is not the only one.

Basically, the government has become a pawn of overzealous,greedy, envious Silicon Valley tycoons who want more. That is a disgusting position for the government to be in and history will show the folly and the mistake it's been. It sets an extremely poor example to the rest of the world that our own government would take sides to bring down one of the most successful companies ever created on these shores.

I and many others are completely shocked that the politicians pontificating about Microsoft's menace can be so fooled and so stupid.

If the other companies complaining had used the same energy they ''ve put into this case to create new technologies and innovations they would have already been way ahead of the game by now.

I want to be clear. I don't write this as a disgruntled employee, as I am still heavily invested in Sun as a company. I write this as a person interested only in the truth, which sadly has been missing from this entire case.

MTC–00025306

From: andy fuertes
To: Microsoft ATR
Date: 1/25/02 7:03pm
Subject: microsoft ruling

To whom it may concern,

As a consumer, US citizen, and hi-tech analyst, i am deeply concerned by the lack of measures to punish and/or change microsoft's conduct. The current proposal, which nine states have signed off on, does little to stop Microsoft's illegal conduct. I am apalled. I believe that we need stricter penalites on Microsoft as well as immediate and sustained action to actually stop their abuse of their monopoly position.

Regards

Andrew Albert Fuertes

MTC–00025307

From: David J. Ourisman
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft Settlement

the microsoft settlement doesn't go far enough

MTC–00025308

From: Arsenio Calle
To: Microsoft ATR
Date: 1/25/02 7:03pm
Subject: Settlement

As an American sufffering for the current state of the economy, in need of a job and work opportunities, I ask that you kindly settle the dispute with Micrtosoft. I don't believe we are going to see the economy bouncing back unless these outstanding legal problems with our major corporations are put behind us, and the companies are allowed to go back to work and invest in new research and development.: and their products start selling and they start hiring more people.

Respectfully yours,
Arsenio Calle

MTC–00025309

From: angell118@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft settlement

I APPRECIATE WHAT MICROSOFT HAS DONE TO ENHANCE SENIOR CONSUMER EFFORT TO AVAIL THEMSELVES OF ENRICHING OUR LIVES, KEEPING IN TOUCH WITH FAMILY AND OVERALL TO KEEP IN TOUCH WITH THE ''REST OF THE WORLD'' IN OBTAINING INFORMATION TO BETTER OUR LIVES; AND ALSO TO BECOME AWARE OF SENIOR ISSUES THAT MIGHT IMPACT US...BOTH FAVORABLY...AND UNFAVORABLY.

STOP THE GRIEVING PROCESS AGAINST MICROSOFT.

Angell

MTC–00025310

From: Sybil A. SKAKLE
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft Settlement

It is time this case is set to rest. It has gone on too long. From all I know, Microsoft has not done anything wrong. Don't mess up this company and the lives of those who are employed by the company.

Best wishes,
Sybil A. Skakle

MTC–00025311

From: Galen Panger
To: Microsoft ATR
Date: 1/25/02 7:05pm
Subject: Antitrust case

Hello,

I strongly urge the courts to seriously curb Microsoft's power. The market needs to be reopened to competition. Take a look at Microsoft's record with the security of its products—it's full of holes. More competition would force Microsoft to be serious about protecting its users.

Also, Microsoft has so much influence with its Windows operating system, it could practically take over any market—take a look at how it killed Netscape, how it's trying to kill the MP3 format with Windows Media. Look at how it decided now to not include Java in Windows XP. Microsoft is advancing its strategy using every force necessary—and unfortunately for the competition, it's power is too strong, it's pockets too deep. Do people want Software as a Service? Do people want Microsoft's Software Assurance? Not me. But I will probably be forced to use it.

I thought that splitting Microsoft's Windows from its Applications software was a brilliant idea—and exactly the way to make Microsoft stop using the influence it has to serve its applications'' interests (i.e. Internet Explorer). But, please do not force Microsoft to open its source code—that will only help the Company better its products with improved source code. Nonetheless, Microsoft thinks that what it says goes in the market. I really don't like knowing that if Microsoft is introducing a new product, it must make sure it stiffles the competition—aka .Net and Java. Very sad. I hope that somehow Microsoft's power to eliminate competition is severely curbed.

Sincerely,
Galen Panger
Zion, IL

MTC–00025312

From: Rudolf Forster
To: Microsoft ATR
Date: 1/25/02 7:06pm
Subject: Microsoft settlement

My comments regarding the proposed settlement:

I strongly feel that there has already been too much time and money spent on this sham legal attack by the sworn enemy's of Microsoft and the company's leader. I have followed the controversy closely and I find very little merit in the position that has been taken against this company. The action was promulgated by competitors that advocate the destruction of this company as a means to enrich themselves by ridding the marketplace of a strong competitor. The average user of personal computers have benefited immensely by the products and leadership of Microsoft. Because of this company the world has been able to adopt and unite behind the Microsoft standards, and therefore avail themselves of what amounts to a virtual universal language. MS is number 1 for a very good reason. They have produced a product that works quite well. That they got to the market first with the most should be no crime in America. The government should get out of the way and allow the capitalist market to work its magic. Companies that cannot compete successfully should be allowed to fall by the wayside, and not be propped up artificially by government fiat.

Sincerely,
Rudolf Forster
rforster@alltech-inc.com

MTC–00025313

From: WenParrish@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:06pm
Subject: Microsoft Settlement

To whom it may concern:

I agree with the terms of the settlement, and believe it's fair, and reasonable. I also believe it's in the best interest of America, and will help the struggling economy.

Please approve this settlement.

Wendell Parrish
488 W. Plumb Lane
Reno, NV 89509

MTC–00025314

From: Ammie Nelson
To: Microsoft ATR
Date: 1/25/02 7:07pm
Subject: Microsoft Settlement
To Whom It May Concern:

I have used the internet for a decade. When AOL first came out I joined not realizing I was not on the world wide web, but stuck in the AOL space where information outside was not made available. (Or at least not that a newbie could understand.) It's that way today!! Ask anyone if they prefer AOL (limited access) to any other company like MSN or Juno or Yahoo and ''hands down'' the experienced user says NO!! You are trapped inside AOL! Business's advertising in aol must use a different address for access outside AOL. Does that mean all other companies have a monopoly because AOL chooses to remain separate from the rest? AOL is alone and is not compatible with all other companies so they are screaming for a court system to make a judgment on ''free'' enterprise and innovation that excels the AOL application!! The software made by Microsoft is duplicatable and sets an example of interacting programming that makes the public users life easier. So let AOL get off the pot and developed their own!! WE (john doe public) can chose between them!! The courts really should see the big picture and tell AOL to stop bothering them and wasting my hard earned tax paid dollars!! I will not use AOL EVER AGAIN!! I will use any other application but not theirs!! I have only had bad experiences with that company and the public service policy holds the key to the companies future. Just step back and look at what AOL has done to improve it's position in the technology is uses to exist! Nada! Zilch! Zip!! ''I wish I could cry ''monopoly'' every time my life isn't as successful as any corporation! Just because they have all the brains and money I don't have doesn't mean they should develop above me.'' Get my point???

MSN has done nothing but excel in this country and it has allowed every home to own a computer!! Free Enterprise!! Free Innovative, Interactive Software technology! Doesn't AOL have this too??? Let them develop something bigger and better and see how much they complain. MSN has never stopped them or any other company from doing just that!

Ammie Nelson
715 Greenbriar Townhouse Way
Las Vegas, NV. 89121
1–702–451–5313

MTC–00025315

From: d minix
To: Microsoft ATR
Date: 1/25/02 7:08pm
Subject: Microsoft Settlement

Please do not allow the Microsoft corporation to settle the case with their offer of software to schools. They must be punished for their anti competitive stance and allowing them to dump their software on public schools only entrenches their monopoly. Let them give cash and let the schools decide how to use it.

Thank you.
David Minix

MTC–00025316

From: Philip Haddad
To: Microsoft ATR
Date: 1/25/02 7:11pm
Subject: Microsoft Settlement

The Association of Concerned Taxpayers (www.aoctp.org) reports that negotiations over the Microsoft antitrust suit are at a critical pass. The Dept. of Justice is asking for public comment.

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,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. We need to let the Department of Justice know how we feel about the Microsoft Settlement.

Sincerely,
Philip Haddad

MTC–00025317

From: Michael Allen
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

In my opinion, all lawsuits against Microsoft should be dropped or settled. Let's focus on getting the economy back on track.

-Michael Allen

MTC–00025318

From: karen.holland@abbott.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

Dear Sirs,

Although I have co-signed the open letter provided by Dan Kegel at his website, I feel it necessary to provide my own comments on the matter of the Microsoft Settlement. It was not until very recently that I was made aware that I could contribute comment in regards to the settlement, and although it is likely that I will not have time to complete my review of the settlement before the deadline for commenting, here are the comments that I have determined to date:

Section III.D.

I agree that the covered items are insufficient to provide equitable development capabilities to Microsoft and non-Microsoft developers. As well, it provides no means to insure promptness of publication (the definition of ''timely manner'' can easily be worked around) nor remedies for internal communications about the future plans of APIs to which Microsoft programmers may be privy and for which they may accordingly provide for in their programming.

Section III.I.

This section does not provide sufficient requirements to define the patent scope and licensure for intellectual property of Microsoft. A major inhibitor to development by non-Microsoft software developers is the potential of having to defend against the giant that is Microsoft. Legal fees alone may put all but the largest companies out of business long before the suit could be completed even should it result in a favorable decision for the other party. This section has merely provided some access to these patents and intellectual property without providing for their application.

In general, I have been very disappointed with this judgement and do not feel that it is a sufficient remedy. I do not believe that Microsoft has, or will, behave in any better good faith than they have shown in the past and that this settlement does not provide the means to unfetter the market for the long term, if possibly not even for the short term.

Sincerely,
Karen Holland, PE
Sr. Instrumentation & Controls Engineer
Northborough, MA

MTC–00025319

From: Jim Copeland
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: microsoft settlement

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

James R. Copeland
5763 St. George Ave.
Crozet, VA, 22932
434–823–4293

MTC–00025320

From: Ron MacKinnon
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

To Whom It May Concern;

I'd like to add my concern to the many others who have already made their feelings known on this matter.

I am very practical and pragmatic as to the tools I use, and I don't care much where a quality product comes from. If Microsoft software was the best available and Microsoft had become the dominant player simply due to the fact that they had the best tool for the job at hand and had risen to the top on true merit, I would really have no problem with their being the dominant player in the computing world. I don't want to turn this into a diatribe on the quality of Microsoft's products, but the above is simply not the case.

Microsoft has become the dominant player on the computing desktop through the use of anti-competitive tactics, force, bullying, and the use of a tremendous amount of money and other influence, irrespective of the quality of their products. I believe that the proposed settlement between the Government and Microsoft is a disservice to the tax-paying public. I cannot feel that my

wishes have been served by this inadequate solution.

Microsoft must be forced to compete on a level playing field along with all other companies with similar products to offer. If the proposed settlement is allowed, they will simply continue as they have been in the past.

An inadequately subdued Microsoft will continue to attempt to disallow my choice in computing software and hardware. They will continue in their attempt to force me to do my work (and play!) the way they think I should, according to their ''vision'' for my computing future. They will continue to limit my choices and my options. They have leveraged themselves into a position where they can decide for me how I will use my computer, and almost completely choose what kind that computer will be and what system and application software will be on it.

I have great hope that my voice, and those of the many others who have taken the time to respond to this issue, will be heard and that our wishes will be served.

Thank you very much;
Ron MacKinnon
45840 Hopactong St.
Temecula, CA 92592

MTC–00025321

From: mmn
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: ''icrosoft Settlement''

Honorable Justice Department, Sir:

The consumer interests have been well served. Please end this damaging litigation.

Respectfully,
Cecil Nickelson
175 Monumental Circle
Sparks, Nevada 89436.

MTC–00025322

From: csbrown@mail.camalott.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:10pm
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 Brown
304 Alvera
Winters, TX 79567

MTC–00025323

From: Roberta Skibba
To: Microsoft ATR
Date: 1/25/02 7:13pm
Subject: Microsoft Settlement

I believe the proposed settlement stinks. Microsoft needs to be punished enough so that it hurts and they won't err again. Otherwise, it is meaningless.

MTC–00025324

From: Jane Montague Scott
To: Microsoft ATR
Date: 1/25/02 7:14pm
Subject: Microsoft settlement

I would like to recommend that the agreement between Microsoft, the DoJ and nine states be accepted.

It is so foolish, especially at this time of a national economic slump to continue to disable Microsoft.

Sure, lots of unemployed Microsoft technicians might be called back in to resolve the mess if this agreement is rejected, but this is a poor way to resolve the unemployment crisis in the tech world. It appears that the ones wanting to reject it, have crossed the line, from trying to make it fare to all tech companies to get a piece of the action, and have moved into the realm of ''lets get microsoft'', lets try to make them die.

I'm a home user who just wants all my stuff to work correctly and microsoft does a better job of doing that, as well as constantly creating more solutions to running businesses. In disabling Microsoft, you are disabling users like myself.

Mac computers seem to dominate the market in elementary schools, why don't we site them for unfair practices?

Thanks for listening.

MTC–00025325

From: Michele Acerra
To: Microsoft settlement
Date: 1/25/02 7:15pm
Subject: Antitrust settlement between Microsoft, the DoJ and nine states.

Gentlemen!

I understand that Monday Jan.28 is the last day for public comments on thesubject of this e-mail.

Respectfully, as a shareholder, as a Microsoft software user since day one, as a citizen, believe that all this matter has to stop and that the proposed settlement should be accepted by all parties. The terms of the settlement are tough, but are reasonable and fair to all parties, and meet, and perhaps go beyond, the ruling by the Court of Appeals, and represent the best opportunity for the industry and everybody to move the hell forward!

It is incredible to me that ''these pain in the ass'' of the AOL subsidiary ''Netscape Communications Co.'' have the balls to still screw around with this matter, now with a private lawsuit! I believe that you guys at the DoJ have to read of the most important industry analysts, including James K. Glassman, (http://www.techcentralstation.com/ 1051/techwrapper.jsp?PID=1051– 250&CID=105 1–012302E) who specifically says: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.''

As an AOL shareholder I could not be more in agreement!

Please stop all this nonsense for the Industry and the Country by starting to inforce the subject settlement.

Thanks for your time and attention
Michele (Mike) Acerra
10, Summer Lane
Califon, NJ 07830

MTC–00025326

From: Steven Paul, CPA
To: Microsoft ATR
Date: 1/25/02 7:16pm
Subject: Microsoft Settlement
RE: Microsoft Antitrust Settlement

I would like to see the proposed settlement with Dept of Justice and the various States Attorneys General concluded. I believe that Microsoft competitors were behind the instigation of the government's lawsuit in the beginning and no value exists in continuing this effort. An effort, I might add that seems to have at its heart the goal of propping up products which may not truly be competition to Microsoft products.

Standardization of various software platforms and aggressive software development guardianship was in my opinion at the root of and will continue (if allowed to continue by conclusion of this case) to keep America at the forefront of this industry. The software products, platforms and hardware development that the government believes were harmed by Microsoft's alleged anti-competitive behaviors were probably not the best platforms, software and hardware protocols in the marketplace. This Darwinian Natural Selection should not be artificially derailed simply to appease Microsoft's competitors.

I found it interesting that Netscape Navigator filed suit against Microsoft in the waning days of the public comment period on the Anti-trust settlement. The timing and stated-motivation were intended to draw attention to another allegation by a competitor of unfair competition by Microsoft. Don't buy it.

This is all part of the show intended to change the proposed settlement terms and protract the government's litigation for the benefit of Microsoft competitors. I'd guess that AOL...the biggest fish in the Internet Service Provider pond...probably knew what it was doing when it purchased Netscape for $10Billion during the Dept of Justice litigation. I don't really think it was gambling on a court judgment that would result in Microsoft's breakup when AOL decided on the purchase. It only indicates how tenuous the leader's real role is in this rapidly evolving industry. And look at AOL/Time Warner itself. It probably controls the largest content for potential future internet traffic. I believe AOL's proclaimed motivations in guiding Netscapes lawsuit against Microsoft are disingenuous.

I do not feel I have been harmed economically from Microsoft's business

practices and don't believe you could find any consumers who have been. In fact, I believe that the large drop in prices of computer hardware and peripherals while at the same time having ever more powerful, faster and easier to utilize hardware and software applications has been, at least in part, the fruit of those business practices.

I would like to see the proposed Settlement accepted by all parties. It's time to move on and halt the flow of government resources into this current misguided effort.

Sincerely,
Steven Paul, CPA
4201 Roosevelt Way NE, Suite 206
Seattle, WA 98105
(206) 322–6040

MTC–00025327

From: eneudorff@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:13pm
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,
Emilia Neudorff
7806 Jason Ave.
West Hillsq, CA 91304–4434

MTC–00025328

From: alan tsuda
To: Microsoft ATR
Date: 1/25/02 7:17pm
Subject: Microsoft Settlement

I believe the settlement does not go far enough.

Alan Tsuda

MTC–00025329

From: RogerCubs@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:16pm
Subject: Microsoft Settlement

Attached is a memo to John Ashcroft, Attorney General, regarding the Microsoft settlement.

Roger Cramer

CC: fin@mobilizationoffice.com@inetgw
January 26,2002
John Ashcroft, Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Sir:

The purpose of this letter is to inform you of my support for the recent settlement reached between the Justice Department and the Microsoft Corporation. America is currently in a period of recession. Americans are faced with increasing layoffs and a slowing stock market. Further litigation against Microsoft at this time is unwise policy. In contrast, resolution of this case will spur consumer confidence in the economy and benefit American industry significantly.

The details of the settlement include many concessions made by Microsoft benefiting its competition. Microsoft has agreed to the formation of a supervisory board whose job it is to assure compliance with this settlement. Anyone wary of Microsoft's compliance then should be reassured given the objective nature of this board.

The time has come to finally put this antitrust dispute behind us. The American economy deserves it.

Sincerely,
Roger Cramer

MTC–00025330

From: DUB0543C@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:15pm
Subject: Microsoft Settlement.
1601 3rd Street Southwest
Cedar Rapids, IA 52404–2814
(319) 362–0013
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

When I was informed about my rights under the Tunney Act to express my opinion on the Microsoft case, I could not help but utilize this opportunity. For the past three years I have watched in frustration as this case as dragged on and on and now some states want to push for further litigation. This is unreal! This lawsuit has already cost the taxpayers, Microsoft and the IT industry unspeakable amounts of money.

I am in agreement with this settlement and believe the terms more than allow for competitor's access to Microsoft's infrastructure. For instance, Mircosoft has agreed to allow computer makers to configure Windows in a way that will accomadate non-Microsoft software . They have also agreed to design future versions of Windows that will all for interoperation with non-Microsoft programs. In an addition to all of this Microsoft has made an unprecedented agreement to share internal Windows interfaces with their competitors.

If the aforementioned terms are acceptable to the competitors, what are the states finding fault with. I hope that you will make the decision necessary to bring formalization to this settlement as soon as possible.

Sincerely,
Verlyn Davis

MTC–00025333

From: Jim and Carol McClure
To: Microsoft ATR
Date: 1/25/02 7:18pm
Subject: Microsoft Settlement

Gentlemen:

In reviewing Mr. Gate's performance with the Microsoft Company I urge you to pass the proposal as it is presented by Microsoft without editing.

Sincerely,
Carol A. McClure

MTC–00025334

From: Lou Lopez
To: Microsoft ATR
Date: 1/25/02 7:19pm
Subject: Microsoft Settlement

Gentlemen;

I know of no single contribution in my 35 plus years in business that has enhanced productivity more than the work product of the Microsoft Corporation. Were they guilty of predatory and/or monopolistic practices....you have the facts and you have ruled on them. That is past and there is not one shred of evidence that any of that type of behavior has been expressed in any way by the Microsoft Corporation in the last several years. Indeed, they probably are one of the most ethical firms in the country if not only for the fact that they know that there are numerous parties with virtually unlimited resources that are forever looking for such evidence to create another drain on the public's coffers via your good offices and to drain as much as they can from Microsoft in the naive belief that if they (i.e. Sun, Oracle, AOL) succeed, the loss in market position that Microsoft would suffer would be gained by them.

That ''Zero sum'' logic is so patently obvious that it is offensive. Is it fair for AOL to dominate both the content and delivery channels of so much of what is available via the internet and television? Is it fair for AOL to now impose increases on the rates of those intermediate ISPs that serve remote areas that suffer from being victims of the digital divide by connecting those folks to AOL? Didn't Netscape really nail its customers in clever ways when it was in its heyday.....look carefully and you will see what I saw.

The ''Scott and Larry'' show that attempts to provide a ''One-two'' punch to Microsoft to anyone that will give them an audience is as offensive as their obvious ''Zero sum'' strategy. If anyone that ever worked for Oracle ever gave honest testimony you would learn from them that the daily demand on every employee from Larry Ellison himself was for them to do what it took to displace any competitor so that Oracle would not only be the dominant database engine provider....but would in time be the only database engine provider. If he had succeeded in his goal he would have had a monopoly ....he just was not good enough to get there and continues to lose market share as I craft this letter to you. Don't think for a minute that if Scott and his Sun team could have locked up the engineering workstation or the Java Script language market potentials for themselves that they would have said ''No''. Scott, like Larry failed to succeed in monopolizing their chosen market sectors as Bill did....and so their egos and envy and very deep pockets turned them into fools with too much money and too much free time on their hands so they set out to use those resources against Microsoft and in so doing effectively cost the American taxpayer hundreds of millions of dollars to accomplish what a much less aggressive approach might well have accomplished.

There are a number of firms that effectively monopolize their market niches and perhaps without meaning to they effectively employ predatory practices by making it clear that if their customers don't do what they want they will not have access to that firm's goods and or services. Senator Sam Ervin said something in the Watergate hearings that seems to fit, it was the old ''Two wrongs don't make a right''.

On the other hand it seems unfair that just because Microsoft was the largest of those firms that monopolize their market niches that they alone should be singled out as they have been.

It is time that we redirect our limited DOJ resources to more urgent issues and stop wasting the publics time and money to accommodate the interests of these three enterprises. Microsoft has agreed to the settlement terms and you can be sure that they will not want to go down this path again so this type of behavior will not likely be seen in Microsoft again for years to come. I most sincerely request that we move on to more important issues.

MTC–00025335

From: clancy
To: Microsoft ATR
Date: 1/25/02 7:18pm
Subject: Microsoft brake up

I think this is an attempt to socialize all businesses and against Capitalism. The other companies are only complaining because they did not think of doing what Microsoft is doing. Otherwise they would be doing the same thing.

Stop all the law suits an get back to defending our nation.

Clarence Kahler

MTC–00025336

From: Jorge Barrera
To: Microsoft ATR
Date: 1/25/02 7:19pm
Subject: Microsoft Settlement
15824 168th Avenue NE
Woodinville, WA 98072
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I work in television production. The future of digital technology in the television industry will again revolutionize our society. For the best benefit to our American society, Microsoft must be free to join in the innovations that will empower our still-unfolding and expanding digital future. I believe that there was never a need to tear Microsoft into pieces, as actually happened with AT&T.

I thank you for your support of the Microsoft settlement. It is the best solution available to us now. The settlement will allow Microsoft to stay together, while also opening up its Windows operating system to the computer industry. Microsoft has agreed to reveal the crown jewels, the internal interfaces and server protocols of Windows. It will license its copyrights and patents on non-discriminatory terms, rather than refuse infringing companies access to its brainpower. The settlement makes sense for the betterment of the industry. I appreciate your efforts to reach this settlement and have the federal court approve it.

Sincerely,
Jorge Barrera
MagicHour Films, Inc.
phone:206 443 9818
fax:206 443 1453
visit our website at:http://www.magichour.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00025337

From: Clark N. Quinn
To: Microsoft ATR
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement

I would like to register my dissatisfaction with the proposed settlement with Microsoft. I understand that the requirements are insufficient to prevent further abuse, and it appears that there are no consequences attached to the anti-competitive actions that have hampered an industry.

Please do review and strengthen the conditions, and consider the justice system remedies for illegal behavior, before settling. Thanks,—

Clark —
Clark N. Quinn
OtterSurf Labs
clark@ottersurf.com
925–200–0881
http://www.ottersurf.com/

MTC–00025338

From: Mark
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Microsoft Settlement

The proposed settlement has many flaws and is not in the public interest. More needs to be done, as many DoJ people apparently believe; I will pick one key issue.

Creation of an environment where viable alternatives to Microsoft's dominance in desktop operating systems flourish, and where competition in the variety of related monopolies that have arisen and will arise from that dominance is allowed and feasible, requires, in a fast-paced technology environment, both speed and pragmatism.

Speed requires that the eventual actions required of Microsoft should be carried out fully and in a timely manner—the definition of timely to be decided, and compliance to it to be monitored, by the court or the DoJ or other appropriate body, advised by industry.

Pragmatism requires recognising the critical relief that should be provided to non-Microsoft innovators to ''level the playing field''—that is, to publish fully all the APIs and file formats used by Microsoft itself, past, present, and, where relevant, future—relevance, to be determined, again, by the court or the DoJ or other appropriate body. It is ingenuous to suppose that Microsoft can be trusted to act fully and completely in accordance with whatever final settlement is reached, and in particular with these two aspects—hence the need for active and appropriate compliance monitoring.

Lindows, Codeweavers WINE, and numerous other innovations will—given these actions—produce in the relatively short term a non-Microsoft desktop operating system that will run Microsoft and other applications software. There will then, and only then, be an environment in which real competition exists.

MTC–00025339

From: Campbell Marquette
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Microsoft Settlement

G'day,

As a long time user of Microsoft products I wish to make a few comments about the proposed settlement.

Microsoft has done more than any other company in making computers a major part of people's lives. They have made software that has enabled anyone to sit down and use a computer, any computer. This would not have possible without the great work Microsoft has done.

The proposed settlement is more than fair, in fact I believe that Microsoft is completely in the right and should be left to continue the great work they have started. Microsoft has done nothing wrong. It is the companies such as AOL that hide behind the courts instead of living in the real world where true competition occurs.

The proposed settlement will force Microsoft to make several major concessions to its operating systems and its business practices. The proposal will make computers more difficult to use, less user friendly and less innovative, unfortunately this may be the best solution we can come up with.

Microsoft is a great company and any harm that is done to Microsoft will cause only harm to the users of computers in the world.

I ask of you to accept the proposed remedies and let Microsoft continue being an innovative company.

Cheers,
Campbell.

MTC–00025340

From: Lloyd Smiley
To: Microsoft ATR
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement

The antitrust lawsuit against Microsoft hit Microsoft and the economy in March 2000; contributed significantly to the slide of the stock market and poor performance of most companies throughout the country for the past 23 months. We cannot justify the continuation of damaging Microsoft for the benefit of Apple, Oracle, AOL Time Warner and the remaining nine envious detracting states.

Linux has become the primary operating system in IBM's most advanced servers, just introduced, a substantial switch from Microsoft Windows and NT to a highly competitive alternative OS. Innovation and the market is working without Federal and State Government intervention. AOL Netscape with 33,000,000 has three times more subscribers than Microsoft Explorer, yet AOL files a lawsuit that Netscape has been disadvantaged. AOL also withholds documents from the litigation process and encourages the nine intransigent states to prosecute with no ending, What gall! What runaway greed!

The Appeals Court and Department of Justice Antitrust Division have an opportunity to put this costly litigation with Microsoft to rest and somehow placate the nine foot-dragging states so we can move on to a more productive period for the entire economy. For God's sake, please put this legal morass in back of us so we can breathe normally again.

As Microsoft customers for the past 20 years we have never experienced any wrongdoing in overcharges in fees or software; in fact, we hope and pray we can do as well over the next 20 years in relying on Microsoft in their outstanding innovations and service to customers, the industry and the economy.

Lloyd Smiley, President
Performa Company
4830 East Coventry Drive
Vero Beach, FL 32967–7301
Lloyd—Smiley@Hotmail.com
Telephone: 561–564–9825

MTC–00025341

From: junecascio@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:20pm
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,
June Cascio
654 Jordan St
Shreveport, LA 71101

MTC–00025342

From: Brian Cebull
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
The Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I strongly support the settlement terms that the Department of Justice and nine states reached with Microsoft in November 2001, and I urge you to adopt the terms of the agreement as soon as possible.

The settlement contains tough yet reasonable provisions that will make it easier for companies to compete with Microsoft. Competing companies will receive more information than ever from Microsoft regarding software codes and books. Microsoft must also design future versions of Windows, starting with Windows XP, to make it easier to install non- Microsoft software.

This settlement will not only benefit competing companies but will benefit the technology industry as a whole by allowing Microsoft to devote its resources to innovative software design, rather than litigation. Again, I strongly support this settlement and feel it will serve in the best interest of the public.

Sincerely,
Brian R. Cebull
Nance Petroleum Corporation
PO Box 7168
Billings, MT 59103
(406)245–6248

MTC–00025343

From: Sandra Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 7:17pm
Subject: Microsoft Settlement
Sandra Wright
1104 Old Lynchburg Road
Charlottesville, VA 22903

January 25, 2002

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,
sandra f. wright

MTC–00025344

From: Stephen Baber
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Settlement

To whom it may concern,

It is a great risk to my career as a software engineer that I write to you for the public record as permitted by the Tunney Act. Given Microsoft's vengeful corporate culture, this very document will surely be used to bar me (and the many other's writing in opposition to Microsoft's illegal leveraging of it's monopoly power) from working, if left unregulated and in our lifetimes, by the only remaining technology company in America.

My primary concern is that the settlement being prepared by Mr. 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.

My suggestions for restoring fair competition are to (1) spin-off every Microsoft product which has market dominance into it's own separate corporate entity, and (2) require that Microsoft publish the file formats and communications protocols used by those products so that competitors may create compatible software and hardware.

My suggestions for punishing this repeat offender are (3) any fines required by the 1995 Consent-Decree should be paid as well as all court costs, and (4) Company president William Harold Gates III and CEO Steven Ballmer should admit their wrong doing on national television, also (5) Microsoft should be barred from spinning their loss into a case of government interference.

Our citizens have given their lives for the principles on which this nation was built, a nation of laws and not a nation of men, I urge you to perform your duty as guardians of justice and protect us from a corporation which has committed flagrantly illegal acts for the maintenance of their monopoly powers. Posterity will remember if we acted when there was still time to stop the disappearance of consumer choice and the free market system.

Sincerely,
Stephen Baber
Software Engineer
2904 24th Ave W
Seattle WA 98199

MTC–00025345

From: Merv R Heebner
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Issues

I am writing to let you know that I think that Microsoft is being given the shaft. It is certainly within their rights to market their products as they have done. This country has been built on entrepreneur ship. Actions against Microsoft is a slap in the face of what has made America great.

Thank you.
Merv Heebner

MTC–00025346

From: Nicholas Esposito
To: Microsoft ATR

Date: 1/25/02 7:24pm
Subject: Microsoft Settlement
Please read attachment below.
Nicholas T. Esposito
24 Juniper Creek Boulevard
Pinehurst, NC 28374
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to inform you of my support of the Microsoft settlement. Over the past three years, the federal government has launched a legal attack on Microsoft. The result of this attack has served only to curb productivity in our technology sectors. Given the current economic recession, I believe that settling this issue will facilitate growth in the industry once more.

Compromises have been made throughout the process. Microsoft has agreed to license Windows at the same rate to the largest producers of PCs. This will ensure that computer makers have a level playing field. Further, PC makers will have the option to market computers that have non-Microsoft software enabled onto the Windows system upon sale. Microsoft agreed all of these changes to in the interests of resolving the issue. I would hope that you see the importance in enacting this settlement at your earliest convenience. Thank you for your time regarding this issue.

Sincerely,
Nicholas Esposito
cc: Representative Howard Coble

MTC–00025347

From: aprice@healthspace.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
Your Honor,

I believe the recommendations made here: http://www.securityfocus.com/news/315 would be of very substantive benefit in helping prevent future abuses of monopoly by MS.

Thank You
Andrew Price
C.O.O.
HealthSpace Integrated Solutions Ltd.
HealthSpace USA Inc.
Tel. (604) 860–4224
http://www.healthspace.ca

MTC–00025348

From: John
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
15 Broadway
Ocean Grove, NJ 07756
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I urge you as strongly as possible to settle the Microsoft antitrust case and to end the extensive and costly legal proceedings against them. I find the amount of money spent fighting the case an irresponsible use of resources, and the case should be wrapped up as quickly as possible at this point.

As an everyday computer user, I find a uniform operating system to be beneficial in my ability to smoothly operate my PC. Though some of Microsoft's tactics have been heavy-handed, there is no denying the success they have had in making programs work seamlessly with each other and creating a standard other companies have yet to match. Though they will lose some of their entrepreneurial freedom in disclosing Windows coding to competitors, it will allow Microsoft to get back to business, and to continue paving the way for innovations that benefit millions of people.

Therefore, I am in favor of settling the case as soon as possible. If our past President, Mr. Clinton had spent as much time, energy and money pursuing Bin Laden and company as he had pursuing Bill Gates and company (Microsoft), we as a nation would be in better shape. One of the main reasons I voted for President Bush was in the belief that he would do the right thing.

Sincerely,
John Sosenko

MTC–00025349

From: John
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: microsoft settlement
15 Broadway
Ocean Grove, NJ 07756
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I urge you as strongly as possible to settle the Microsoft antitrust case and to end the extensive and costly legal proceedings against them. I find the amount of money spent fighting the case an irresponsible use of resources, and the case should be wrapped up as quickly as possible at this point.

As an everyday computer user, I find a uniform operating system to be beneficial in my ability to smoothly operate my PC. Though some of Microsoft's tactics have been heavy-handed, there is no denying the success they have had in making programs work seamlessly with each other and creating a standard other companies have yet to match. Though they will lose some of their entrepreneurial freedom in disclosing Windows coding to competitors, it will allow Microsoft to get back to business, and to continue paving the way for innovations that benefit millions of people.

Therefore, I am in favor of settling the case as soon as possible. If our past President, Mr. Clinton had spent as much time, energy and money pursuing Bin Laden and company as he had pursuing Bill Gates and company (Microsoft), we as a nation would be in better shape. One of the main reasons I voted for President Bush was in the belief that he would do the right thing.

Sincerely,
John Sosenko

MTC–00025350

From: bekki
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement

Please do not accept the proposed settlement as an adequate solution to the Microsoft monopoly. Speaking as a consumer, I am very concerned that this is inadequate protection and in fact only encourages them to continue their illegal actions.

Thank you,
Rebecca Andrews
18 Lansing Street #402
San Francisco, California 94105

MTC–00025351

From: David Kidd
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I am opposed to the tentative settlement of the United States vs. Microsoft antitrust lawsuit.

David B. Kidd
Mableton, GA

MTC–00025352

From: David Jones
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: microsoft.atr@usdoj.gov . DON'T DO IT.....

Please note that as a consumer who has suffered under Microsoft's strangle hold on the technology that I hope and pray you will not allow the current settlement proposal to be approved.

Thank you,
David Jones

MTC–00025353

From: Steve Hilditch
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Please find enclosed my comments regarding the pending settlement between the United States Government, several individual states and Microsoft Corp.

First, let me state that I am neither in the employ nor have any dealings with of any of the parties directly affected by this action, but am a consumer whose past and future access to technology and the advancement to society that a diverse and thriving technology sector offers has been diminished by Microsoft's anticompetitive corporate behavior.

It is my view that the proposed remedies are a grossly disproportionate to the violations of which Microsoft has been proven guilty. The proposed settlement verges on being meaningless in enforcing upon Microsoft any degree of compliance with the principles of justice that are required to curb Microsoft's ongoing anticompetitive behavior .

It is my firm belief that nothing short of the partitioning of Microsoft into separate corporations, each prohibited from engaging with the other to any extent beyond that

afforded to a third party, will suffice. In order to avoid the continuance of the damage that has been inflicted within the marketplace to formerly able bodied competitors requires substantial and meaningful action.

I urge you to step above narrow partisan politics and enforce to the fullest degree possible under the law strong measures to deal with the past and future actions of Microsoft Corp.

Sincerely,
Steve Hilditch

MTC–00025354

From: Anil Godbole
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I believe the settlement with DOJ is very very fair. We should let Microsoft innovate & introduce new products as long as they abide by non-monopolistic business practices.

-Anil Godbole
Cupertino, CA 95014

MTC–00025355

From: Dale Phurrough
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I agree and support the proposed settlement.

Sincerely,
Dale Phurrough
1723 25th Ave #C
Seattle WA 98122

MTC–00025356

From: Edward Liu
To: Microsoft ATR
Date: 1/25/02 7:33pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing to you under the auspices of the Tunney Act to express my great disappointment in the Proposed Final Judgement in the case of the US vs. Microsoft. In my opinion, the proposed settlement does not adequately punish the acts detailed in the findings of fact, which stated rather unequivocally that Microsoft used its monopoly power to damage its competitors unfairly.

The current settlement is little more than a slap on the wrist, and is disturbingly similar to the consent decree of 1995, where Microsoft promised to amend its behavior in the marketplace. Clearly, as Microsoft's legally defined anti-trust violations demonstrate, the consent decree was completely ineffective in correcting Microsoft's anti-competitive behavior.

I am a computer programmer by profession. In my opinion, the actions of Microsoft do far more harm than good in the industry, stifling creativity and alternatives, while foisting second-rate software on the population through their operating system monopoly. I beg you to reconsider the settlement terms in the anti-trust case.

Thank you for your attention.
Edward Liu

MTC–00025357

From: Darcy James Argue
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement

Hello,

As a concerned computer user, I would like to object to the proposed final judgment in United States v. Microsoft. In my opinion, Microsoft has reaped the rewards of years of abusive, illegal, monopolistic practices, and is being let off with a light tap on the wrist. This proposed settlement will not end Microsoft's anti-competitive conduct and does nothing to effectively penalize the company for damage already done.

Only penalties commensurate with the extraordinary scale Microsoft's abuses—including, possibly, the breakup of the company—coupled with strong regulation to prevent further monopolistic practices will restore fairness and competitiveness to the Intel-compatible OS market.

Sincerely,
Darcy James Argue
djargon@mac.com
Boston MA

MTC–00025358

From: dgast@paonline.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:28pm
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,
Donna Gast
511 Lamp Post Lane
Camp Hill, PA 17011

MTC–00025359

From: W. B. Hackett
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement

PLEASE SETTLE. END THE MATTER.

My beloved Uncle Sam appears to me (and to many others both in the United States and abroad) to be caught up in time-consuming, very expensive, arguing back and forth. That sort of involvement is counter-productive for all of us.

Microsoft has made enormous contribution to the economy of the United States. Please consider and be as fair and just as possible, but please settle. Please end the whole matter. Please try to do it now.

Godspeed!
Bill Hackett

MTC–00025360

From: Dan Dougherty
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following the Microsoft litigation for some time now. And now I see some states want to continue this litigation. How long does the public have to put up with this?

A company like Microsoft, that has done so much for this country, has been punished enough.

They have agreed to many concessions and have gone out of their way to correct what others have acussed them of doing.

Please do everything you can to bring this matter to a close and allow Microsoft to get back to what they do best and that is to help keep this country in the forefront of technology. They are very good at that.

Sincerely,
Dan Dougherty, Ret SgtMaj USMC
207 Pineview Rd Jacksonville, NC 28546
Home of Camp Lejeune

MTC–00025361

From: Belcou
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement
P.O. Box13148
Burton, WA 98013
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that an agreement has been reached, I ask you to approve the settlement in the Microsoft case. The previous break-up attempt seemed to arise from a personality clash during the early stages of this case; however, companies should not be dismantled for such reasons. This recent, more balanced solution should stand.

Microsoft may have been involved in very aggressive marketing techniques, but the company really deserves more appreciation for all the great things it has accomplished for the new economy. The bottom line is that the competition has been weak, and controversial issues—such as bundling features—are actually very convenient. Upon reflection, the deal that has been worked out with the help of a court mediator seems quite reasonable.

If this plan can proceed, industry rivals will have plenty of chances to gain market share. For instance, competitors will benefit from increased flexibility in adding or removing Microsoft software from the Windows operating system, and they will have access to its internal code. Please accept the proposed terms and let the free market decide the rest.

Thank you.
Sincerely,
James Pappin

MTC–00025361—0002

MTC–00025362

From: Justin Aichele
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement

Hello,

I am submitting my comments for the Microsoft Anti-trust case. During this case, the evidence that I saw clearly demonstrated that Microsoft tried to destroy competitors like Sun and Apple and Netscape and increase their market share underhandedly rather than by trying to make the better product and win customers by their own choices. This evidence is crystal clear according to what I saw on the internet that was posted by major news organizations who were covering the case.

Personally, I don't necessarily have a problem with a company dominating a particular market or industry. In conversations with friends, I compare Microsoft to Cisco. Cisco has almost as much market share for networking equipment as Microsoft does for operating systems. In fact, 3Com gave up their core switch market because they could not compete with Cisco. I've personally dealt with both Microsoft and Cisco as a customer and as a technician. The difference is this: Cisco listens to their customers and doesn't try to force them into making decisions they don't want to make. They got to number 1 because they built a better product. It is usually priced higher, but the quality matches the price. As a whole, Cisco cares about their customers and doesn't try to dictate to them how things are gonna be done. It doesn't try to exert too much control and take away free choice. Based on Microsoft's recent licensing schemes, it sure seems like Microsoft would love to take away choice from people. They want a revenue stream when they want it and if it doesn't happen that way, then they will penalize people by not allowing them to upgrade for reasonable prices. Microsoft to me displays intense arrogance that has basically gone unchecked. They have something to leverage, though, otherwise people would have left a long time ago. I think that for the health of computing in general, they should be split up. I think a ton of new products would emerge if it was split up. Microsoft wants total control of things and they mask that as services. Services are great to offer, but they become chains when there's no other option. Microsoft wants to eliminate options from people and they have not done a darn thing to earn my trust. I would never trust them with my financial information on one of their servers. It's my info and it'll stay that way.

The bottom line is that this company has grown to be huge in both legitimate ways and in illegitimate ways. Their recent behavior shows that they would love to continue to leverage their control in unethical ways. Split them up and then let's see what happens. The world will recover, and will probably thrive if you guys would stand up to this mega-company and show them that US laws are put into place for a reason.

Hope this helps.

Justin Aichele

''He is no fool who gives up what he cannot keep to gain what he cannot lose''—Jim Eliot, missionary to Ecuador.

MTC–00025363

From: Reg Diodati
To: Microsoft ATR Date 1/25/02 7:34pm
Subject: Microsoft Settlement

Gentlemen and Ladies,

I believe Microsoft should be allowed to abide by the terms of the settlement, and any further action would be designed to destroy the company, doing great harm not only to the US economy but perhaps the world's. The only organizations to be satisfied would be those opposing the existence of Microsoft. They, of course, were no better at wanting to do what Microsoft has accomplished, but simply were not as successful.

Reginald R. Diodati
Troy, PA

MTC–00025364

From: Oldelm@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:33pm
Subject: Microsoft Settlement

I join with many friends who welcome settlement of this extremely complex and very costly case. Just about when we average folks are sighing, ''At last!'' , along comes AOL with another suit! I hope the highly skilled people at Microsoft , AOL, and other high-Tech companies will focus on innovation and service, rather than entangling everyone in litigation.

I've continued to be an AOL subscriber, because of relatively simple access to information & communication—& I can simply NOT choose chat, celebs, movie ratings, ''instant savings'' offers, etc. I would expect a top-rated provider to be bright enough to invest in ongoing service improvements, rather than assuring wealth for attorneys—at tax-payers'' expense. I'll probably continue to use AOL, hoping they lighten up—and brighten up. Users of the remarkable and innovative technology now available do have the privilege of choosing products and services suited to their needs. I believe most of us do not feel trapped by one company or another. We appreciate the Department of Justice efforts to get this monstrous distraction settled!

Grace Allen

MTC–00025365

From: Clyde w. Butler
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement !

Hi ! I hope this settlement achieved between Microsoft the Deptartment of Justice and abipartisan group of State Attorneys General is indeed settled in the public interest !

Thank You !
Clyde W. Butler
14701 Dohoney Rd .
Defiance , Ohio 43512–8709
cwmjb@ defnet.com

MTC–00025366

From: Bonnie (038) Cleve Svetlik
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement

I believe the DOJ is knuckling under to big business and that the proposed settlement is nothing more than selling out the Citizens of the USA to Microsoft.

I strongly urge continued litigation such as the States who have a spine have done.

Mr.. Cleve Svetlik
2545 Brainard Road
Pepper Pike, Ohio 44124

MTC–00025367

From: Norman Chapman
To: Microsoft ATR
Date: 1/25/02 7:34pm
Subject: Justice Dept. Agreement

Gentlemen:

It is very distressing to see the continued efforts of competitors of Microsoft trying to destroy efforts of the Justice Dept. and Microsoft in having reached an agreement that is fair and workable.

This latest move on the part of AOL is no more than another attempt to influence both public thinking and the legal system in continuing efforts to punish Microsoft until it is reduced to a company unable to provide the quality of software and services which have served this country so well. It is abhorrent to think that companies such as AOL, Sun, Oracle and others have continued to resort to attempts to defeat competition by litigation instead of the much needed innovation to provide to the American public as well as the rest of the world continued improvements in the quality of computer software and other related components. Our family is pleased with the possibilities that your efforts along with those of Microsoft will result in the removal of further litigation and allow both Microsoft and its competitors to re-engage in the job of developing and delivering the world's finest technology.

Sincerely,
Norman & Isabella Chapman
CC:norm@cadenza.com@inetgw

MTC–00025368

From: Don M. Weber
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Proposed settlement

I am infavor of the compromised settlement agreement with Microsoft.

Thank you
Don M. Weber,Retired in Missouri

MTC–00025369

From: Jerry Spencer Mings
To: Microsoft ATR
Date: 1/25/02 7:37pm
Subject: Microsoft Anti-Trust

From what I've read, the judgment against MS is more of a reward than a punishment.

My first home computer was handbuilt 6800 from a kit (SwTP) and used an ASR33 teletype with punched paper tape as the sole offline storage. Eventually the system was maxed out at 32 kilobytes of pseudo-static RAM.

I remember vacationing in Silicon Valley and lunching with the author of Tiny BASIC. Bill Gates became a hero for releasing 4K (and later 8K) BASIC. Later the original IBM PC was released under a disingenuous marketing plan claiming the 8-bit 8088 microprocessor as being a 16-bit system and hijacking the acronym PC. The home

computing comunity was in large part outraged, but business lived and died by the aphorism ''Nobody ever got fired for buying IBM.'' At the time there were several 6800 based home computer systems running UNIX variant operating systems that failed against the tidal wave of EYE-BEE-EM.

Then, somehow, the IBM PC design opened up to independent manufacturers and the hardware market exploded once they discovered to their amazement that the public wanted clones and not compatibles.

Now we reach the point where I gave in and bought a compatible because: 1) It's what they were using at work. 2) There was a LOT of free or cheap software out there.

Then—

I had to upgrade to DOS 3.1 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to DOS 3.2 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to Windows 3.2 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to Windows 95 because it was intergrated and more reliable and fixed the bugs from the previous release and the cheap printers required it and it came with my new faster computer because the new programs were untollerably slow.

I had to upgrade to Windows 98 because it was more reliable and fixed the bugs from the previous release and the cheap scanners required it. IBM was no friend—I bought OS/2 and OS/2 warp 3.

Apple was no friend with their proprietary (overpriced) hardware and software - I had an Apple IIe and the joke was ''After you had to buy the entire library of documentation (each manual referred you to another manual) for another $50 you got Steve Job's home number.''

I don't have a reasonable solution (I favor breaking MS into a thousand pieces and refunding all Windows [another hijacked name] upgrade fees), but suggest you contact Richard M. Stallman at http://www.fsf.org as his is the loudest sanest voice in the wilderness.

Richard Balding

MTC–00025370

From: Loren Shirk
To: Microsoft ATR
Date: 1/25/02 7:37pm
Subject: Settlement

I agree with the settlement.

Loren Shirk
188 Las Lomas Rd.
Duarte, CA 91010

MTC–00025371

From: JugheadGOP@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:38pm
Subject: microsoft settlement

The case was not justified in the first place.

Why is it the roll of Big Government to punish success because competetion complains?

This Country and all Americans can be proud and thankful for the inovation of Mirosoft and Bill Gates.

Sincerely,

Ken Keller

MTC–00025372

From: Steven Ohmert
To: Microsoft ATR
Date: 1/25/02 7:39pm
Subject: Microsoft Settlement

I would like to express my opinion that the proposed settlement in the Microsoft antitrust case be accepted. I believe the remedies are sufficient. It is time for this issue to be done with. The uncertainty and disruption this case has caused in the industry is a prime contributor and belweather for the downturn of the high tech industry in the stock market. The resolution of this matter will be a significant step in the recovery of initiative and innovation that has fallen away as a result of the uncertainties.

I am not necessarily a cheerleader for Microsoft. Clearly, they have agressively and sometimes inappropriately used their market position as a bullying tactic. I believe there are lessons to be learned from this on all sides. I believe this is addressed in the settlement. Punitive actions proposed by opponents to the settlement are drastic, vengeful, and superficial. Acceptance of the settlement sends the clear message that the US government can be a fair and final arbitrator of such situations without being a blind executioner, and cuts short the use of the system as a forum for marketing public opinion and corporate images (by both sides).

Thank you

Steven Ohmert
25731 78th Ave SW
Vashon, WA 98070

MTC–00025373

From: Kevin Jerbi
To: Microsoft ATR
Date: 1/25/02 7:42pm
Subject: Microsoft Settlement

Hello,

I am writing to express my dissatisfaction with the proposed antitrust settlement with Microsoft.

I believe that this settlement does nothing to prohibit Microsoft from continuing its predatory practices in information technology. This settlement has little provision to prevent Microsoft from asserting that any other applications are now part of their Windows operating systems, or from using their strong position in that market to thwart other innovations in different applications.

I fully support the right of Microsoft to continue to develop its products and innovate as they see fit. However, as a confirmed monopoly, they have a specific responsibility to ensure that their monopoly does not illegally extend into emerging markets.

I also fear the enforcement of this agreement. It should be recalled that Microsoft's brazen indifference to their 1995 consent decree began this particular case.

Thank you for your consideration,

Kevin Jerbi
Sr. Technical Support Specialist
Targeted Genetics Corp.
Seattle, Washington.

I am a US citizen, and my address is 1125 NW 56th Street, Seattle, WA 98101.

MTC–00025374

From: meanymom54@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:39pm
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,
Anne Reiser
47 Meritoria Drive
East Williston, NY 11596–2004

MTC–00025375

From: joylf4533@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:39pm
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.

Sincerely,
Joyce Foss
731 S. Bluff St.
South Beloit, IL 61080–2165

MTC–00025376

From: AVCS
To: Microsoft ATR
Date: 1/25/02 7:38pm
Subject: Miscrosoft Settlement

TO WHOM IT MAY CONCERN:

Are we not living in America? Land of free enterprise, supposedly a capitalistic economic structure. It is time to leave Microsoft alone. Move on. Do something more constructive with your time. This is nothing more than a witch-hunt on this company.

Rhonda Hubler
949 Enders Road
Halifax Pa 17032

MTC–00025377

From: Joe Cotey
To: Microsoft ATR
Date: 1/25/02 7:43pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am strongly opposed to the proposed settlement. The three top reasons are:

1) It allows Microsoft to keep the financial and business advantages it gained by operating an illegal monopoly,

2) It allows Microsoft to keep the distortions, such as Internet Explorer, Media Player, and others, it added to Windows in defiance of a court settlement,

3) There is no provision to enforce any provisions of this settlement and Microsoft has a long history of doing as they please.

It appears to me that it would be a shame if an industry standard operating system weren't a result of this action. Since Windows is the de-facto O. S., it seems reasonable to me to require Microsoft to release Windows to a standards organization such as IEEE, ANSI, or others. They have certainly recouped and profited adequately for their investment, and the loss of Intellectual Property to the public good seems to me a proper punishment.

Oliver J. Cotey
580 Ahwanee Ave., No. 58
Sunnyvale, CA 94085
tel: (408) 245–3487
e-mail: j.cotey@att.net

MTC–00025378

From: billo123 Owens
To: Microsoft ATR
Date: 1/25/02 7:44pm
Subject: Microsoft Settlement

Please get off Microsofts ass.

William E. Owens

MTC–00025379

From: David Bacher
To: Microsoft ATR
Date: 1/25/02 7:45pm
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and the United States Department of Justice,

I would like to comment on the proposed Microsoft Settlement as allowed under the Tunney Act.

As background, I am a software engineer with 6 years of professional experience developing on Unix and Macintosh platforms.

I have read the Findings of Fact and the Revised Proposed Final Judgement as posted on www.usdoj.gov and I have come to the conclusion that the Proposed Final Judgement does very little to limit Microsoft's acknowledged monopoly power.
Impact on Open Source Software

As a proponent of (and contributor to) open source software, I am concerned by the language that allows Microsoft to conceal APIs selectively from competitors simply because it does not agree with their business model.

To quote Ralph Nader's open letter (http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html) ''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.''

As the most powerful corporation in the software industry today, Microsoft should be forced to provide equal access to information to anyone, regardless of whether their business model meets Microsoft's approval.

Failure to Punish Illegal Actions

In addition, the proposed settlement does nothing to punish Microsoft's illegal monopolistic tactics. Microsoft has willingly abused its position in the marketplace and it should be punished. At the very least, it would be appropriate to fine Microsoft for their actions. In addition, Microsoft should be forced to divest itself of those technologies in which it has used its monopoly power to gain a controlling presence. Microsoft should not be allowed to reap the benefits of its illegal actions.

Please consider my comments as a vote against the proposed settlement. Thank you.

Sincerely,
David Bacher
1511 Addison St.
Berkeley CA 94703
drbacher@alum.mit.edu

MTC–00025380

From: john fruttero
To: Microsoft ATR
Date: 1/25/02 7:47pm
Subject: Microsoft Settlement

I am a very concerned citizen who vehemently disagrees with the Proposed Final Settlement.

Thank you for your time and consideration of my view,

John Fruttero; (626)391–8282; 1611 Brockton Avenue, #1, Los Angeles, CA 90025

MTC–00025381

From: Jumana Scoggins
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I want to use this opportunity to express my support for the settlement reached last November between Microsoft and the Department of Justice. I believe it is time to move forward and allow both sides to concentrate on more important matters.

The settlement is comprehensive and requires many changes on the part of Microsoft. For example, Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Consumers will have the freedom to easily add or remove access features built in to Windows or to non-Microsoft software. And to assure this and other provisions are met, Microsoft agreed to the formation of a technical committee that will monitor the company's business practices going forward.

This case has been going on long enough. It is time for Microsoft to get back to competing and designing new software. And it is time for the government to use taxpayer money on more urgent matters like stimulating the economy.

Sincerely,
Jumana Scoggins

MTC–00025382

From: Frank J Gombos
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

I am very disturb that you want to punish successful companies like Microsoft.

They delive superb product and at superb prices.

This is a communist method, to punish successful people.

Sicerely,
Frank Gombos

MTC–00025383

From: Carlin H Freeberg
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Settlement

Go get ''em! M'Soft is as guilty as sin and their proposed settlement is nothing more than another devious scheme to leverage themselves into the schools/public agencies, thereby increasing users'' dependency on M'Soft products. Hang in there, don't let M'Soft's endless appeals wear down the quest for justice.

MTC–00025384

From: gijosh4507@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

Microsoft is doing anticompetitive things to keep applications on its platforms. One example is OpenGL and DirectX. OpenGL and DirectX are two APIs that compete with each other. These API's are heavily used in 3D games a market aimed at young people. As of now Microsoft suports OpenGL in it's operating systems, but Microsoft could at its own discretion decide to no longer support OpenGL this would force companies to abandon OpenGL to go in favor of DirectX. Because Microsoft owns DirectX they can keep other platforms from using it.

MTC–00025385

From: d933@lakeozark.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:48pm
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,
Don DeFoy
HCR 76 Box 229U
Camdenton, MO 65020

MTC–00025388

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 7:48pm
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,
Eric Rasmussen
97 Bartlett Place
Brooklyn, NY 11229–6361

MTC–00025389

From: Chuck and Deanna
To: Microsoft ATR
Date: 1/25/02 7:50pm
Subject: microsoft settlement

Sirs: Why you want to continue to badger a entrepreneurial company is beyond me! They have made continuous efforts to settle this yet you continue. Our nation could stand to have it's time and funds spent on people and things that are trying to destroy our country instead of a company that has been helping education, economy, and free enterprise. Wake up.

MTC–00025390

From: stoeker@isgroup.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:51pm
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,
Richard Stoeker
Ridge Road
Rt 15 Box 3078
Lake City, FL 32024–8907

MTC–00025391

From: Paul Adams
To: Microsoft ATR
Date: 1/25/02 7:43pm
Subject: my thoghts on this whole ridicuous thing

Follow the money is a good rule to follow and when I saw the AG of I think Mass. answer a question about the legal costs I knew I had it pegged. He said we don't worry about legal costs as Microsoft has to pay all of them because of the original finding. So they are going to work this forevermore. What a shame. We all know who is going to pay.

It also seems to me that the real imploding of the tech sector happenened just after the Clinton folks filled their legal actions. I liked Microsoft Windows and bought some stock years ago and it went right up over $100 and the attack by Clinton put my stock right in the tank and then the others started going with it. I honestly think it was the ''trigger''. Let the statisticians prove me right or wrong.

All along I kept wondering what it was all about. I liked Netscape and had it on my computer and used it. I liked Real Player for a while and used it also. Then I tried Media Player and switched. Whose fault?

When I went on cable access they started me on Internet Explorer and I found I liked it better then Netscape and now use it. Netscape is still on my computer in case I ever want to use it. Whose fault is this?

So all these setlements are doing absolutely nothing for me except trash my stock value. Pleas cease and desist and do something constructive.

Paul Adams
466 W San Ramon #101 Fresno, Ca 93704

MTC–00025392

From: henrywpark
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 7:53pm
Subject: Microsoft Settlement

I think that the Microsoft Settlement is a bad idea because it does not address truly preventing Microsoft from leveraging its operating system into other markets.

Henry Park
email—henrywpark@mindspring.com

MTC–00025393

From: JA Stephens
To: Microsoft ATR
Date: 1/25/02 7:54pm
Subject:

Please let Microsoft continue to serve with easier programs to use for those of us that are computers users- but not compute brains. Their programs make it easier-and if it wasn't for their programs, we'd have never purchased a computers. Windows is great.

Thank you.

J.A. Stephens

MTC–00025394

From: John Swanson
To: Microsoft ATR
Date: 1/25/02 7:57pm
Subject: Microsoft Settlement

The Department of Justice should settle the Microsoft case as previously agreed by the parties. The States that continue to fight should be barred from using all Microsoft products and be required to use the inferior products. John Swanson Renton, WA

MTC–00025395

From: Daly Patrick
To: Microsoft ATR
Date: 1/25/02 7:55pm
Subject: Microsoft settlement

I am writing to let you know that in my opinion the proposed settlement between Microsoft and the Department of Justice is a travesty. Microsoft's predatory behavior represents a profound threat to the health not only of the technology sector, in which I work, but of US industry as a whole, and of the United States itself.

If Microsoft can dictate its terms to the US government, who is it that really governs? I urge you to reinstate the eminently fitting decision of Justice Jackson, and break the company up so as to separate the ownership of the operating system from that of the desktop applications.

Patrick Daly
1020 Louise Street
Menlo Park, CA 94025

MTC–00025396

From: WARREN POMPEI
To: Microsoft ATR
Date: 1/25/02 7:55pm
Subject: ANTITRUST SETTLEMENT

Now is the time to finalize the settlement between the Justice Department and Microsoft. As the President of the United States has stated.....''we want to encourage innovation, not regulation''. The country has been in a steady economic decline for nearly two years since the first verdict was issued by Judge Jackson. Since then it has been an enormous drain on all parties involved.....especially this country. I for one, believe that this issue was ill conceived since the beginning. With the September 11th, 2001 terrorist attack, we, the voting public, are quickly learning that there are far more serious issues for us to be focusing on. I was never one to be very ''politically interested'', but after watching how some of our elected officials have been handling themselves during this process, from this day forward I intend to take my vote far more seriously when it comes to casting it for political candidates seeking election to public office.

Warren R. Pompei
wpompei@hotmail.com

MTC–00025397

From: RRhein2557@aol.com@inetgw

To: Microsoft ATR
Date: 1/25/02 7:56pm
Subject: Microsoft Settlement

I believe that it is in the best interest of the US consumer that the Department of Justice proposed antitrust settlement with 9 states and Microsoft be accepted.

Richard M. Rheinhardt
1001 Sierra Blanca Ct.
Lady Lake, FL 32159

MTC–00025398

From: Jeff Breitner
To: Microsoft ATR
Date: 1/25/02 7:56pm
Subject: Microsoft Settlement
January 24, 2002
8732 Sumpter Road
Maybee, MI 48159
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 writing to express my displeasure with the proposed settlement between Microsoft and the USDOJ for Microsoft's proven illegal activities. In the name of brevity, I'll keep my letter to three main points. First, how the proposed ''opening'' of API's, hooks and other areas of Microsoft products will not benefit other companies. I'll also note how Microsoft's acquiescence to allow computer manufacturers to modify the default installation of Windows on their computers isn't the alleged bargain. And finally, the main sticking point in the whole settlement is the federal government's seemingly blind-eye to the billions of dollars of revenue realized through Microsoft's crimes.

The proposed settlement would allow others access to inside information to Microsoft's API's. While this may seem a fitting way to re-introduce competition in the software industry, the language used in the settlement makes it clear that Microsoft still has a significant amount of control over what is actually divulged. The language states that Microsoft will have the ability to determine the suitability of the recipient of this type of information. Within the proposed settlement, there is little detail of who would be qualified and therefore it appears that those able to receive information on API's, hooks and software information is totally arbitrary and subject to the final review of Microsoft.

Further disturbing is the ability of Microsoft to have a unilateral veto of all requests of this type of information under the guise of software security. Simply put, Microsoft could say that the information could not be provided because it would constitute a security compromise of their products.

Open-source operating systems such as Linux or FreeBSD have lived with this situation for over 10 years and have used it to their benefit. Consequently, the ability to control API information as a security precaution seems to be nothing more than one way to slow or stop the dissemination of this information.

Armed with the ability to ''lock-down'' the API's and the Windows system itself, Microsoft could conceivably use this settlement as a way to thwart interoperability between Windows products and competing operating systems. Through crafty use of frequent Windows updates and patches, Microsoft could simply change its operating code to eliminate products such as Samba, and then point to this settlement as the permission to do so. Since it would be termed a ''security'' issue, the changes would remain within Microsoft's confidence, and the proposed settlement itself is used as a tool to continue Microsoft's monopoly.

Computer manufacturers and OEMs have complained bitterly over Microsoft's insistence that the appearance of Windows not be modified on personal computers. The settlement gives OEMs significant abilities to bundle products with the sale of the computer and operating system. While this certainly appears to be for the benefit of the consumer, it is blanket authorization for Microsoft to continue to use the monopoly on the desktop operating system to extend into other areas. Already with WindowsXP, Microsoft is demonstrating what would happen with this new-found freedom. Preferential treatment (if not outright advertising) for Microsoft properties exists for Internet connectivity, chat, instant messaging and other services whenever the consumer accesses these services through WindowsXP. This settlement is the government's authorization that Microsoft can use the desktop to continue to promote or even force consumers to use Microsoft services (e.g. Microsoft Passport), ostensibly because the OEMs are allowed to bundle their own services. Language in the settlement is absent that states how this bundling and presentation is to occur, which gives Microsoft incredible leverage over its competition.

The major point I have against this proposed settlement is the ill-gotten gains from Microsoft's abuse of their operating system monopoly. Simply put, I find it reprehensible that anyone associated with the justice department would consider letting Microsoft keep one penny of the billions of dollars raised through these abuses. The message the settlement sends is one of ''crime doesn't pay unless you happen to be a large politically active corporation, then it pays handsomely''. This is a terribly disturbing message considering the recent Enron debacle. Microsoft acted unfairly, engaged in illegal business activities, economically harmed the consumer and made billions of dollars doing it. They should be penalized and the penalty should commensurate with their earnings and worth.

As a personal note, when the DOJ started their lawsuit against Microsoft, I was vehemently against it. It was Microsoft's own behavior within the trial and it's business practices during and subsequent to the trial that has changed my opinion of the company. They are a predatory company that would not hesitate to use any method for their profit. Their practices are deeply rooted within the company culture, and it is my belief that the only way to make this company ''fly-right'' is to bring them back to reality with the penalties that would be exacted upon me if I had stolen billions of dollars.

Thank you for your time.
Sincerely,
Jeffrey Breitner

MTC–00025399

From: Ross, Jason
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 7:58pm
Subject: Microsoft Settlement

i am opposed to the proposed antitrust settlement against microsoft. the penalties for manhanling the entire industry are far from sufficient. If the USA is at all concerned about the security of it's digital communication, they have a vested interest in diversifying the computing landscape. The proposed settlement does little to accomplish this, or keep microsoft from continuing in its business practises which led to the monopoly verdice in the first place.

thanks for your time.
Jason ''olo'' Ross

MTC–00025400

From: pogo
To: Microsoft ATR
Date: 1/25/02 7:59pm
Subject: microsoft puiblic comments

There are too many things on the economic plate and the Microsoft decision should be made immediately.

Walter Robinson
pogo@gnt,net

MTC–00025401

From: David McDonald
To: Microsoft ATR
Date: 1/25/02 8:00pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement as proposed. I believe that it is fair and just. Microsoft delivers a fine product at a very attractive price. I worked in the computer business for 30 years prior to retirement (not with Microsoft) and Operating systems were never so powerful and, imagine, available at only $ 99.

Ever since the action against Microsoft, the entire Technical stock market has been in the tank.

Let's accept this and do what is right for America.

Yes, we do vote.
David McDonald (303) 818–4999
MENU Corp www.menucorp.com
6525 Gunpark Dr., Ste 370–299
Boulder, CO 80301
(303) 530–4986 Fax (303) 530–0983

MTC–00025402

From: EHenn56406@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:00pm
Subject: Microsoft Settlement
3919 Fait Avenue
Baltimore, MD 21224
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing you today to express our opinion in regards to the Microsoft settlement that was reached in November. We feel that this settlement is fair and reasonable, and we are anxious to see this

dispute resolved. We feel this settlement will serve in the best public interest.

This settlement was reached after extensive negotiations. Microsoft has agreed to all terms and conditions of this agreement, including disclosing information about certain internal interfaces in Windows and any protocols implemented in Windows. Microsoft has also agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions.

This settlement will benefit the economy, the industry, and consumers. Please support this settlement so our precious resources can be devoted to more productive causes. Thank you for your support.

Sincerely,

Emily & Elmer Hennigan

MTC–00025403

From: BILLROCKE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:02pm
Subject: Microsoft Settlement

Dear DOJ:

I am an independent critic of the Microsoft Settlement. As a resident of Massachusetts, and a Computer Scientist, I support MA Attorney General O'Reilly's objection to the settlement.

My objection centers around the ''unavailability'' of other browsers because of the ''interweavability'' of Microsoft's Internet Explorer, which comes packaged with Microsoft's Operating Systems, that is, Windows 95,98, ME and now XP.

The built-in compatibility inherent in the Microsoft browser is conspicuously, by design, missing in all the browsers and cause many, many problems and inconvenience when you want to use Netscape or AOL or any other browser.

My real PET PEEVE—AOL is not completely free of its own set of problems and exclusionary practices that warrant your scrutiny.

Bill Roache, CAGS
Computer Scientist
billrocke@aol.com
CC:BILLROCKE@aol.com@inetgw

MTC–00025404

From: Lawrence Neumann
To: Microsoft ATR
Date: 1/25/02 8:04pm
Subject: Microsoft Settlement.''

Enough is enough, stop any further action against Microsoft. The continuation of this vendetta by some competitors must stop.

Lawrence A Neumann
33 Blue Ridge Drive
Trumbull CT 06611–4001
(203) 377 1329
neumannl@snet.net

MTC–00025405

From: Gerald Vidal
To: Microsoft ATR
Date: 1/25/02 8:05pm
Subject: Microsoft Settlement

Aloha from the island of Oahu!

The case against Microsoft should be dismissed all together: Look who is complaining, is it the consumers or special interest who uses the law to get ahead in market share (the earning of money). Look who owns Netscape browser(not Microsoft,) look who owns AOL browser (not Microsoft,) and now look what is happening to Netscape and where it is going as a browser and why (not because of Micosoft, but because one owner with two browsers, Netscape and AOL. Microsoft should move as fast as possible to bring the American people software that will better our lives, and not be held back because of mis-use of the Justice in our government.

''The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ?public interest.?

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.''

Mahalo,
Gerald Vidal
PO Box 208-MS
Pearl City, HI 96782–0208

MTC–00025406

From: tim jennings
To: Microsoft ATR
Date: 1/25/02 8:04pm
Subject: Microsoft Settlement

Microsoft is an unrepentant felon. Who can doubt that they will continue their illegal, destructive practices, unless they are dealt with very severely indeed. Everything they have said, everything they have done, reinforces this conclusion.

Let's see some law and order where it counts!

Tim Jennings
Jennings and Ponder * World Tales
Sheefra * Celtic Music
Vermont Storytelling Festival
Eastern Coyote Productions
PO Box 1601 Burlington VT 05402
http://www.folktale.net
tim@folktale.net

MTC–00025407

From: Motelman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Microsoft settlement

Enough is enough! The Dept of Justice has a fair and tough settlement with Microsoft which will allow the country to go forward with more important things.

It is not necessary to make the lawyers wealthy by carrying on this suit unnecessarily.

Blanche Johnson

MTC–00025408

From: Gus Galeano
To: Microsoft ATR
Date: 1/25/02 8:05pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

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 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,

Gus Galeano, Fort Lauderdale, Florida; Graphic Designer

MTC–00025409

From: Jason Cook
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Comments for the **Federal Register**
Renata Hesse,

Is it a crime to maintain a monopoly? Yes it is. Microsoft has already been found in violation. The question now is a question of just punishment. How does the United States of America take appropriate actions to end the Microsoft monopolies and prevent them from recurring?

The proposed settlement does not begin to remedy the antitrust violations for which Microsoft has been found culpable. This is the penalty phase of the case and yet there are no penalties outlined in the settlement. In fact, the proposed settlement arguably would advance the capabilities of Microsoft's monopolies by allowing the corporation to maintain them. Furthermore, that precedent could weaken antitrust law. What other corporations would take advantage of Microsoft's clean break in future cases?

A just penalty would somehow prevent Microsoft from extending its monopoly. For example Microsoft products should be optional when purchasing new computers. That way consumers who do not wish to purchase those products are not forced to do so. This also means that for the price differential between a new computer with Microsoft software and one without, the computer seller must offer the software without the computer. Then and only then can competition come to exist in a meaningful way.

The specifications of Microsoft's present and future file formats must be made public, so that files created with Microsoft applications, whether they be documents or audio-visual media, may be read by programs from other makers, on Microsoft's and other operating systems. This is in addition to opening the Windows API (application program interface).

Any and all Microsoft networking protocols must be published in full and approved by an independent network protocol body (ISO, International Standards Organization). This would prevent Microsoft from seizing de facto control of the Internet.

This is indeed an issue of national interest. Strength in diversity is a biological reality that translates well to this scenario. It has been suggested by the Center for Strategic and International Studies that the use of Microsoft software actually poses a risk to national security. Consider how that risk could increase if there is not a careful and deliberate penalty imposed upon Microsoft for its transgressions. By creating a monopoly Microsoft has strengthened itself and weakened its competitors. But but the bigger it grows, the greater the risk to national interest.

-J

MTC–00025410

From: LGK01@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: MICROSOFT SETTLEMENT
CC: fin@mobilizationoffice.com@inetgw
Leo G. Kivell
48060 Brewster Court
Plymouth, MI 48170
January16,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

I am asking that you settle your ongoing case against Microsoft. My faith in antitrust programs has been reduced as a result of this and past trials.

I worked for Ford at the dawn of the technology age, and we had a different computer system for practically each division. The ability to interact was limited by a lack of common standard, which ends up costing consumers more. Microsoft should not be punished for offering consumers the opportunity to embrace and build on such a standard. The concessions Microsoft is making in the settlement it reached with your office go further than the ones other companies in similar situations have made, and they even encompass issues never addressed in the original lawsuit.

I urge you to end all litigation against Microsoft and to settle the antitrust case as quickly as possible. Thank you.

Sincerely

Leo Kivell

MTC–00025411

From: Dr. Homer L. Ontman
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Microsoft settlement

It is my opinion that the settlement made by Microsoft is a fair one and additional litigation would ill-serve the public and therefore should not continue.

MTC–00025412

From: Jack Blalock
To: Microsoft ATR
Date: 1/25/02 8:09pm
Subject: Microsoft Settlement

To Who It May Concern,

When will this all end? When will stop spending the taxpayer's money with all of these ridiculous court proceedings against the one company that seems to make a difference in this country?

The jobs, service, and donations that Microsoft and its employees give to this country are second to none. How can we continue to beat the dead horse about what should be allowed into an operating system for consumers? The product's ease-of-use and integration of products only benefits the users of software users around the world.

Let's get on with life! Enough of all this!

Jack Blalock
Charlotte, NC

MTC–00025413

From: Paul Guppy
To: Microsoft ATR
Date: 1/25/02 8:09pm
Subject: Microsoft settlement.

January 25, 2002
To: Judge Colleen Kollar-Kotelly
c/o Antitrust Division
U.S. Department of Justice
601 ?D? Street, NW
Suite 1200
Washington, DC, 20530

Attn: Renata B. Hesse

Subject: Comment on Proposed Final Judgment in the Microsoft Case.

Dear Judge Kollar-Kotelly

We respectfully encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. We are an association of independent, state-based, non-partisan policy research groups dedicated to promoting free markets and open competition.

This settlement reflects a triumph of the rule of law. It is a perfect map of remedies laid alongside the areas where the Appeals Court found against Microsoft. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition on what they call ?product tying? to a breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court which reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to

state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation ? the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In our view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

As leaders in advancing free market competition in our respective states we believe this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,*

Daniel Mead Smith ? President
Washington Policy Center
4025 Delridge Way, S.W.
Suite 210
Seattle, WA 98106

Steve Buckstein ? President
Cascade Policy Institute
813 SW Alder
Suite 450
Portland, Oregon 97205

John McClaughry ? President
Ethan Allen Institute
4836 Kirby Mountain Road
Concord, VT 05824

Bob Williams
President
Evergreen Freedom Foundation
P.O. Box 552
Olympia, WA 98507

T. Rogers Wade ? President and CEO
Georgia Public Policy Foundation
6100 Lake Forrest Drive
Suite 110
Atlanta, GA 30328

David Kopel ? Director
Center on the Digital Economy
The Heartland Institute
19 South LaSalle
Suite 903
Chicago, IL 60603

Jon Caldara ? President
Independence Institute
14142 Denver West Parkway
Suite 185
Golden, CO 80401

Forest Thigpen
Mississippi Policy Institute

Don Racheter ? President
Public Interest Institute
600 North Jackson Street
Mount Pleasant, IA 52641

Gerry Dickinson ? Vice President for Policy
South Carolina Policy Council Education Foundation
1323 Pendleton Street
Columbia, S.C. 29201

Jeff Judson ? President and CEO
Texas Public Policy Foundation
8122 Datapoint
Suite 326
San Antonio, TX 78229

*State Policy Network group affiliations are listed for identification purposes only.

Founded in 1992, the State Policy Network (SPN) is an association of independent, non-profit, state-based policy research groups dedicated to promoting free markets and open competition.

MTC–00025414

From: Adrian Gill
To: Microsoft ATR
Date: 1/25/02 8:10pm
Subject: Microsoft and the downfall of BeOS

Dear Sir, One of the reasons for the failure of BeOS, was the inability to induce OEMs to provide true dual-boot machines. Be Inc adopted a non-confrontational approach, seeking to provide a Windows alternative rather than a replacement. It later produced a version that boots from inside Windows, and it even offered OEMs BeOS for free.

However, Microsoft OEM contracts forbid a visible dual-boot option, and although OEMs were keen to differentiate themselves by offering Be's ''Media OS'' as an alternative, they risked breaching the OEM agreements.

When Hitachi took up the challenge, it was obliged to ship a machine that could —only— boot Windows. It couldn't provide one-click access to activate the sleeper OS that was also included on the machine, and couldn't provide similar easy access to install the BeOS bootloader.

Thank you for your time.

Yours faithfully,

A. Gill

MTC–00025415

From: sidesoft
To: Microsoft ATR
Date: 1/25/02 8:10pm
Subject: Microsoft Settlement

DOJ,

Why are we losing jobs across this country? Why are the stocks of technologies companies free-falling?

The answer is rooted in this litigation. This crusade to increase the stature of a few Attorney General's has gone on to long. This delay has discouraged investors small and large from investing in the technology sector and brought the NASDAQ to historical lows. This effect is real and was predicted by leading economists at the onset of this litigation.

The atmosphere around this and other corporate litigation has a discouraging effect and has created a capital shortage for growing companies resulting in a major decline in economic growth, earnings and most importantly jobs. Please send the Attorney Generals'' home to their states, stop wasting our tax dollars and stop the corporate litigation that robs capital needed for growth. As taxpayers, investors and consumers, we can ill afford this protection of our pocketbooks. This litigation has affected retirement funds, college funds and government income. And now our daily jobs are disappearing!

We have recently witnessed the major corporate collapse of ENRON and the major losses to shareholders of this company. These shareholders have placed the deserving blame on the corporate officers of this company. We MSFT investors feel we have been wronged, but have little recourse since the major blame is with our government and specifically our state Attorney Generals.

End your litigation crusade on corporate America and specifically ''end the Microsoft case'' so our stock markets can flourish and our economy can return to normal.

A small investor from Iowa,

Warren McKenna
Kalona, IA

MTC–00025416

From: walter bogaardt
To: Microsoft ATR
Date: 1/25/02 8:1 lpm
Subject: Microsoft Settlement

As a software engineer and user of various computer operating systems, Unix, Windows, and Linux. I'd like to make my comments known about the Proposed final Judgment in United States v. Microsoft.

The following is my observations and complaints about the DOJ's proposed settlement.

If the proposed settlement is left as is consumers and developers will be held within the continual push of Microsoft propaganda and ideals. Some of these can be

detrimental to our scientific and academic communities.

Even one of Microsoft execs have stated that Linux could stiffle innovation. If innovation is being stiffled it is by Microsoft. The scientific communitity as well as the United States government research centers have used linux to create ''cheaper'' alternative clusters of computers using Linux to create processing power as powerful as some super computers. Higher costs are not inovative. Doing more with less is inovating and cost saving.

Microsoft would lead you to believe that innovation was created only by commercial business. Most of the technology we see today was created in schools by the academic community and by computer enthusiasts. The basic fundamental elements of the internet were designed to share information and not to horde the information for sale.

We must not allow our schools education be dicated by one monopolistic entity. In so far as that our children are forced to learn only of Microsoft Windows OS and there by go into the workforce expousing and reenforceing microsoft os in the workplace and continuing the momentum of monopoly.

Microsoft now has established product lifecycle for license availability and assisted support limits on their software. Now older versions of their software may no longer be supported by them.

This thereby forces the users to purchase a newer version and because of the higher hardware demands of the software requires a user to buy a new PC when their current pc may work just fine. Software that is for sale should be continually serviced by the selling entity if the software continues to work for the user. This should be the cost of doing software business as a software company. Software and specifically Microsoft software has completely avoid all standards of product liability. If a car were to crash or break down as much as their ''inovative'' products do where would we all be now?

The proposed final judgment by the DOJ is not sufficient in not only the intrest of the consumer, but those entities that must support computer technology in general. Software developers and IT technicians are constantly having to find solutions to problems that Microsoft technology constantly hides. From Application Programing Interface(API) changes to new network protocals and file formats.

Take for instance Microsoft File formats for their word documents. In order to allow other software to read and successfully print or display the contents of this document the programer must ''reverse'' engineer the information so that it can make sense in another program. This same policy by microsoft of hidding details from other companie's programers lead to the demis of Netscape. Does this mean the demise of WordPerfect, StarOffice, and other wordprocessing programs too? It must be stated that the API's that Microsoft uses to interface to its Windows OS and its Middleware (Microsoft Office, Internet Explorer) should be made more available to public developers.

Microsoft is currently operating in a capacity in it has gone beyond the desktop OS environment and is assimilating B2B services with their .NET and Passport services. They continue to attack companies that they percieve as competitive such as Lindows, which is building a system on top of Linux that allows windows applications to install and run seemlessly. They have almost succeded in eliminating Java from the desktop and with .NET will try to eliminate Java from the server space as well.

Microsoft should do business either as an OS vendor, or a break up of its middleware and server groups into separate entities. In this outside developers should be allowed free access to well document public API's in the windows OS so that they can perform their jobs, and provide consumers with alternative innovative products. This in turn reinvigorates the economy by establishing competition within business.

As a software engineer and user of various computer operating systems, Unix,Windows, and Linux. I'd like to make my comments known about the Proposed final Judgment in United States v. Microsoft.

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MTC–00025417

From: ravenwood171@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:08pm
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,
Lawrence Clark
171 Ravenwood Blvd.
Barnegat, NJ 08005–2205

MTC–00025418

From: frankijohn@conen.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:12pm
Subject: Microsoft Settlement

I've followed this anti-trust case closely, and have read the proposed settlement. The only thing I have to say is this: Shame On You, DoJ, for selling out the trust of the taxpayers.

MTC–00025419

From: Warren F Taylor
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: Microsoft Settlement.

There they go again! Here's what one writer, James K. Glassman, said: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.'' (http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051–012302E)

He also said about consumers that he ''can't understand how they're hurt by a business strategy that offers browsers for free.'' I have written several times to make the point that the only entities being hurt throughout this ridiculous fiasco are those incompetetent businesses—like Netscape—which can't compete. And talk about the pot calling the kettle black! AOL, having bought Netscape for an obscene amount of money, is part of one of the largest communication trusts the world has ever known.

This makes what Theodore Roosevelt faced a century ago seem like a walk in the park.

I still say that the courts and politics should keep out of technological innovation. I know of no better way to guarantee this nation a mediocre future than to destroy the ability of companies to innovate.

Settle this case and let's get on with the business of solving human problems through technological ingenuity and innovation.

Sincerely yours,
Warren F Taylor
Porterville, CA

MTC–00025420

From: John Fodor
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: Microsoft settlement

I am completely opposed to the lawsuit against Microsoft that has been filed by AOL. I trully believe that AOL should focus on solving their own problems rather than filing frivolous lawsuits.

I urge that the lawsuit be rejected.

sincerely,
John Fodor

MTC–00025421

From: Redsoccerdevil11@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: microsoft settlement

I think the proposed settlement on the microsoft antitrust act is a bad idea

MTC–00025422

From: Russell Gordon
To: Microsoft ATR
Date: 1/25/02 8:16pm
Subject: Microsoft Settlement

Get off of Microsofts back and let the consumers settle the dispute by what they buy.. Government has no business involving itself in private business....

MTC–00025423

From: Bud B. Kern
To: Microsoft ATR
Date: 1/25/02 8:16pm
Subject: Microsoft Settlement

It is long since time to get off the back of Microsoft and agree to the settlement as it stands. Microsoft has been good for our country by providing a means for many people to enjoy the technology. Those competitors who joined in this suit have not proven that they were damaged in any way. Please put an end to this suit and let Microsoft and the rest of the industry get on with the process and progress of doing business for the betterment of all of us.

Harry B. and Dona Kern, Sierra Village, CA.

MTC–00025424

From: John Putnam
To: Microsoft ATR
Date: 1/25/02 8:17pm
Subject: Microsoft Settlement

Without Microsoft...I wouldn't get paid...

I want Microsoft to have the ability to continue down the path of innovation without interference from the government.

John H Putnam

MTC–00025425

From: lydiawink@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:17pm
Subject: Microsoft Settlement

Enough is enough.

Let everyone know that Clinton did wrong by trying to bring Microsoft down to their friends level. That did not help the economy. Lets move on and let the people choose Microsoft or if they are not happy with them they can start their own.

Lydia Winkler

MTC–00025426

From: Bob Kerstetter
To: Microsoft ATR
Date: 1/25/02 8:18pm
Subject: Microsoft Settlement

Summary: Diversity in OS's would end the plague of viruses, as diversity is difficult to attack. In the nation's security interest MS should be busted.

At first I thought the lawsuit was a crock. I am not an MS product user or a detractor, but always thought Mr. Gates earned his bucks fair and square. But I really don't think so anymore. He basically copies and intimidates to do well. He is really afraid of face to face or shoulder to shoulder competition. He has copied the Apple OS time and again. He has spread lies about Open Source, as witnessed by the Halloween Papers. When Apple innovates something for an MS OS he makes it difficult to operate in Windows. When Apple comes up with an iMovie he makes a cheap copy. He has even copied the name of Mac OS X by calling his own cheap look alike XP, exploiting the confusion factor. He has also copied Apple Digital Hub concept. Finally, IE is too integrated into the MS OSes.

MS is too big and monopolistic for the good of the community. Diversity in OS's would end the plague of viruses also, as diversity is difficult to attack. In the nation's security interest MS should be busted. Get it over. Just do it. Like this:

Division One: Office Products.
Division Two: OS
Division Three: IE
Division Four: Consumer Products
Division Five: Games
Division Six: Hardware as in X Box and Mouse.

Six Divisions would be good.

Also, make them pay Apple $2 Billion for stealing ideas: the look, the feel, the packaging of products.

MTC–00025427

From: JL Kottal
To: Microsoft ATR
Date: 1/25/02 8:19pm
Subject: Microsoft Settlement.

Hello,

I am sadly disappointed in the provisions of the Microsoft Settlement. It would appear that the DOJ proposal abrogated completely any responsibility to recommend punishment of a company that was found guilty, not once but twice. In doing so, the DOJ has wasted a lot of the taxpayer's money on a court case and settlement that will do no justice to those who looked to the DOJ for it.

There seems in the proposed settlement to be no punishment at all, and certainly nothing that would encourage Microsoft to change its business practices. In fact, since then, Microsoft has continued even more so its predatory practices: they have integrated Internet Explorer more tightly into their Windows operating system; their operating system plans for the future named .Net push much more dependency upon using their products; and their latest offering, Windows XP, misleads its users into thinking that they must register with their Internet provider company MSN to use the Internet.

If the DOJ thinks that their proposed settlement has stopped the Microsoft monopoly, then I urge their lead lawyer to call Dell, Gateway or almost any national-level computer manufacturer and ask to buy a computer without a Microsoft operating system on it. Almost without exception, the answer will be that this is not possible: that one must pay for some version of Windows, and that even to buy without an operating system at all and install an alternate system such as Linux is not possible. Until this changes, as far as I am concerned, then the Microsoft monopoly continues to be alive and stronger than ever.

This is only part of the problem with the settlement. As it is, the proposed settlement

* does not take into account Windows compatible competing operating systems

* contains many misleading, or far too narrowly defined provisions, especially in regard to Microsoft's programming application interfaces, in as much as it does not require release or forbids their use, or make clear which patents they use

* does not require release of Microsoft Office documentation, allowing continued use proprietary formats, which are arbitrarily changed with each new version

* fails to address the extremely restrictive license terms Microsoft uses that prevents any of their products from running on other operating systems

* fails to stop Microsoft's retaliation against OEMs who ship personal computers without a Microsoft operating system or with a competing operating system

* lacks an effective enforcement provision

I would like to see a new settlement that takes into account the above. Furthermore, I would like to see a substantial fine imposed upon Microsoft: the only thing that Microsoft seems to understand is the making of money at all costs. Why not punish them in a way that they would understand by imposing a $15 billion fine (about 1/2 of their current operating reserve)?

As it is, the current proposed final judgment will simply allow, if not encourage, significant continuation of Microsoft's anticompetitive practices. As currently written, it is not at all in the public interest and should not be adopted without substantial revision.

J. L. Kottal II

MTC–00025428

From: Barbara Hastings
To: Microsoft ATR
Date: 1/25/02 8:19pm
Subject: Settlement

To whom this may concern:

I believe it would be in the best interests of our country to quietly and quickly settle the case with Microsoft. I say this not because I know anyone who works for Microsoft, but because this dubious case against Microsoft has drug on for way too long. The persons this benefits most are the lawyers who love this all the way to the bank. This situation is counterproductive to the ordinary citizens of the US who stand to lose the most in the long run. The government should not be getting involved in free enterprise.

Sincerely,
Barbara Hastings
bhastings@twmi.rr.com

MTC–00025429

From: Jeff Shuey
To: Microsoft ATR
Date: 1/25/02 8:20pm
Subject: Microsoft Settlement

To whom it may concern;

Please stop wasting our taxpayer dollars supporting the efforts to prosecute Microsoft. The proposed terms of the agreement are going to be difficult for Microsoft to implement and ultimately will harm the consumer in all areas of business. Microsoft is being persecuted for being successful. The United States of America is a capitalist society and should always reward capitalistic behaviour. The claims by the plaintiffs are rife with competitor bashing. If Microsoft competitors cannot win on business level they should not be allowed to win via the courts.

The consumer has NOT been harmed by Microsoft's continuous innovation. In fact, just the opposite is true. Personal computers have become a required tool for in modern society for the home, education and business consumers. Microsoft and the thousands of software developers that have innovated upon the Microsoft platform should be thanked. Microsoft helped create an industry and hundreds of thousands of jobs. The tax revenue alone from these jobs should be considered as great windfalls for some parts of the country—computers being built in North Dakota and in Idaho. Software developers being able to innovate from anywhere—assured that their work will be able to operate on an industry standard platform. Based on the feedback and constant attention to detail the Microsoft Corporation has continued to evolve and innovate the platform by which hardware and software vendors create their livelihood. The personal computer industry is an industry surrounded and founded upon innovation. Microsoft and the thousands of software and hardware developers that have been able to build upon a secure, stable, and innovative platform should be thanked. Microsoft should not be penalized for helping companies succeed. Microsoft should not be forced to become anti-capitalistic.

Please stop wasting my taxpayer dollars to support the frivolous and groundless claims against Microsoft. Please help the economy return to normal by fostering competition—not squashing it with legal rhetoric.

Thank you for your time,
Jeff Shuey
A Concerned Citizen
22914 NE 17th Place
Sammamish, WA 98074

MTC–00025430

From: nat ward
To: Microsoft ATR
Date: 1/25/02 8:21pm
Subject: microsoft settlement

To Whom It May Concern,

I would like to posit at this juncture that I believe that Microsoft, and in turn, Bill Gates, have acted towards both the courts and the American public with a unfathomable disregard for the law.

It saddens me to see the courts capitulating once again to a corporate interest so obviously full of contempt towards the legal system because of their own wealth and power.

I just want it noted that once you , the justice department, bow before the Microsoft giant and give in with little more than a slap on the wrist for Mr. Gates and his corporate cronies, you should hang your heads in shame for you have done a disservice to the American People, and the law which you are supposed to enforce.

Thank You,
Nathaniel Ward

MTC–00025431

From: aull@emeraldis.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:20pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Luther Aull
1711 Ninety Six Hwy
Ninety Six, SC 29666

MTC–00025432

From: RAYMOND A MATHISEN
To: Microsoft ATR
Date: 1/25/02 8:22pm
Subject: Microsoft settlement

As a senior citizen ,and as a active Internet user I strongly support the Microsoft settlement.

Raymond A Mathisen
<RBMathisen@juno.com

MTC–00025433

From: Rhett Michelson
To: Microsoft ATR
Date: 1/25/02 8:22pm
Subject: Microsoft Settlement

I do not understand how a monopoly such as this (microsoft case) can result in apparently little or no punishment. The proposed settlement is so poor in light of the proverbial mounds of evidence, that my faith in the federal judicial system is now gone.

Rhett J. Michelson, Ph.D.
Department of Molecular and Cellular Biology
Life Sciences South, 409
University of Arizona
Tucson, AZ 85721–0106
phone: (520)621–9358
fax: (520)621–3709 (dept)

MTC–00025434

From: mindfull
To: Microsoft ATR
Date: 1/25/02 8:24pm
Subject: Microsoft Settlement

more needs to be done.

MTC–00025435

From: Gordon H. Kenyon
To: Microsoft ATR
Date: 1/25/02 8:24pm
Subject: Microsoft in Clahes with it's

identically oriented competitors.

The absurdity of to-days rules of conduct in business, typified by the Enron actions and accounting fiasco, make any minor infingement on a co-competitor seem trivial.....especially when that competitor would most willingly have trespassed on the other, if it had thought of it first.

Look for the benefits received by mankind.....not the minor gains or losses experienced in to-days competitive struggle between players in the field.....someone has to be second, or even third.

Respectfully yours,

Gordon H. Kenyon

MTC–00025436

From: Joshua Sucher
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

The Microsoft settlement will be useless in preventing antitrust acts of theirs in the future.

-J

MTC–00025437

From: Ppress322@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

Please don't penalize Microsoft for being a successful company in a free enterprise system that we have in the USA.

Be well and take care,

Paulette Singer

MTC–00025438

From: Scott Key
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

To Whom It May Concern.

Please make sure that Microsoft pays actual out-of-pocket money in the upcoming settlement. I wish you would go further and actually stop their monopoly and unfair business practices.

Microsoft is a company without a conscience—perhaps the greatest software pirate of all time—known by all in the industry as a company which would rather steal something than design it for themselves. Then they have the gall to call it ''innovation'' when they release it. Have you ever tried Windows Media Player and compared it to QuickTime?

Even today, in Windows XP, they release MS Java which effectively kills Sun's inter-platform True Java—a product which a few years ago even Microsoft itself adopted as a ''standard.''

Java gave the internet viability. Now Microsoft is effectively removing it as the standard they once supported. That again shows their monopolistic power and their actions erode compatibility. Think of the calculator keypad and the telephone keypad. Why are they opposite of one another. Think of the Dvorak keyboard unadopted by the U.S.—even after the Navy Department recommended purchase of 80,000 typewriters in WWII. That keybord is way more efficient and less error prone. THink of how many fewer carpal tunnel injuries there would be had someone stood up for the better mousetrap.

We computer professionals desire—no demand—innovation. We do not get it from Microsoft.

Please be careful of anything proposed by their legal team. Their recent agreement to give a billion dollars worth of software and hardware to under-privileged schools was a sham.

I bet if you figure their true out-of-pocket expense in that proposal, it would have come closer to $100 million. You don't really think that they spent $500 for each copy of MS Office they would ''give'' to schools. More likely their true cost is $20-$50 per unit. Add to that their trojan horse attempt to gain a foothold in the Apple-dominated education market and you can see they are very slippery operators, indeed.

Please do not fall for Enron-style accounting. Make them pay and stop their monopoly.

Can you believe their attitude?—even as one settlement is proposed, others Like AOL are having to sue to have a chance at viability. In their arrogance, the recent Windows XP was so full of security holes—in this time of war—that they single-handedly eroded the security of the internet. There certainly must have been a pretty big problem for DOD and Justice Department, etc. to call them on the phone.

Then to have Steve Balmer refuse to have his company email purchasers of Windows XP just shows that you are not able to control these guys.

Do not white wash this one.

Thanks for reading this.

S C O T T K E Y =-= keyland@attbi.com =-= 970–223–8179

MTC–00025439

From: Lenn Hann
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

I strongly feel that the proposed settlement is an inadequate remedy to Microsoft's anti-competitive behavior.

Lenn Hann

MTC–00025441

From: Sandy Rylander
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft Settlement

Rylander Consulting
January 29, 2002
Computer Training and
Macro Programming Specialists
Attorney General ,John Ashcroft
USDepartment of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Annoyed...This is the only word I can think of when the antitrust case against Microsoft comes to mind. This case is a waste of taxpayers'' money, and the U.S.

Government needs to focus on more important issues, such as the cable industry.

Even though the terms of the settlement are more than fair, competitors must be aware that this case contradicts most of the practices of small and large businesses. For example, one of the issues in the settlement is a uniform price list, under which Microsoft agrees to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

I am a loyal follower of Microsoft. As a business owner who teaches Microsoft Office Suite, this settlement will help my business continue to flourish. And I will keep urging my customers to do the same.

2708 222nd Avenue S.E.
Sammamish, WA 98075
Tel: (425) 392–9710
Fax: (425) 392–4784
E-Mail:
sandy—rylander@msn.com

Sincerely,

??

Sandy Rylander

MTC–00025442

From: DocRay
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft settlement

Please allow Microsoft the freedom to innovate.....if a company's products are widely used and accepted by the public as better than the competition, then that company deserves the success it has achieved.

Dr. Thurman J. Ray

MTC–00025443

From: dudebackus@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:23pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Walter Backus
14 Mariano Road
Santa Fe, NM 87508–8750

MTC–00025445

From: Thom Lockner
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft Settlement

Please settle this litigation now so that we can all move on .

respectfully yours

Thom Lockner

MTC–00025446

From: Greg Heck

To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft

Please realize that Microsoft has and still is manipulating the public and businesses everyday. With no real choice in computing platforms, we are at there mercy. By making software unstable unless the company plays by Microsoft's rules we the public are cheated out of some very great and useful software. I could continue for days, but I will stop here and say.

PLEASE PUNISH MICROSOFT TO THE FULL EXTENT OF THE LAW!

Anything less will be a travesty of justice.

Thank you

Respectfully

Greg Heck

MTC–00025447

From: Mike KAZEEF
To: Microsoft ATR
Date: 1/25/02 8:27pm
Subject: Microsoft settlement

I urge DoJ and the nine states to go ahead and approve the final version of the anti trust settlement currently considered for approval.

Innovation should not be taken for granted as if it were a mere commodity.

It is essential for growth and is the engine of progres. Innovation needs favorable conditions to germinate.

The distraction and concerns surrounding an on going and uncertain legal feud, is definitely working in the other direction. It is true at the executive and creative level as well as at the operating level where scores of employees are working watching over their shoulders.Not the kind of mindset to innovate and take risks!

America was built on past innovation. The future will still depend on a vigorous one.

Respectfully

Mike Kazeef

2000 Santiago Dr

Newport Beach, CA 92660

MTC–00025449

From: Andrew Page
To: Microsoft ATR
Date: 1/25/02 8:32pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe the proposed settlement with Microsoft will not be effective in preventing Microsoft from committing future antitrust violations.

Sincerely,

Andrew M. Page

MTC–00025450

From: Esther Williams
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

I would like to see this final judgment accepted and let Microsoft and everyone else move on to new innovations.

I worked in programming for scientific research and also network mangement and information systems for 35 years at the University of Illinois. In the early years of desktop computers it was so complicated to have parts of systems from many different software and/or hardware companies and they didn't always work together and it was a headache. My work got so much easier around the time that Windows (especially Windows 95) came out as there seemed to be cooperation in producing compatible software.

At least things worked together without a lot of trouble. And each version of Windows got better.

Please don't send us back to the time when everything was such a mess. Let us accept this agreement and go on. Stop wasting time and money on this battle.

Being at the University of Illinois all of those years, I was aware that both Netscape and Internet Explorer came out of the University of Illinois. I knew that Microsoft wasn't allowed to sell Internet Explorer because of the agreement with the Trustees of the University of Illinois through Spyglass. I knew that the developer of Netscape was allowed to go out and start a company. Microsoft was not allowed to sell Internet Explorer in competition to Netscape—they had to give it out free.

I also understand why Microsoft built their operating system with a browser as so integral a part.

The idea is to make access to other servers on the network or on the internet transparent. In the long run, it was to make it easier for users. As a programmer, I can understand how hard it would be to integrate every single browser—that is part of what would make that mess I was mentioning above.

Obviously, I am not an attorney, but as a user of software both at home and at work, I am satisifed with the final judgment and competitive impact statement.

Thank you for your attention.

Esther A. Williams, Ph.D.

eaw@uiuc.edu

MTC–00025451

From: Sylvia Sur
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

It is incredible that the chief monopolist AOL whose subscribers have to do some work to get to use either Internet Explorer or Netscape is suing Microsoft.

Those who can like Microsoft, innovate. Those who cannot like AOL, sue to paper over their financial and technical diffuculties.

The Microsoft attack action over the past three years has had a deleterious effect on our economy and investments.

Please settle this case and let us all move on.

Thank you,

Sylvia Sur

MTC–00025452

From: Jim Williamson
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

I think you guys have whipped up on Microsoft long enough. Let's get on with this settlement.

I for one recall what personal computing was like before Microsoft brought product standardization to my desktop. I don't want to go back!!!!! Nor do I want to see the Federal Government stifling progress by continuing this foolhardy pursuit.

Thanks,

Jim Williamson
PO Box 220
8434 Savage-Guilford Rd
Savage, MD 20763
JDWilli@toad.net
JD
JDWilli Web Site

MTC–00025453

From: carolyn oblak
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Consumer interests have been well served, and the time to end this costly

Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

thanx

carolyn oblak

MTC–00025454

From: acorbin@iwon.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Alvin Corbin

1087 E. CR 1200 S.

Clay City, IN 47841

MTC–00025455

From: frehse@wcta.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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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,
Larry Frehse
23122 Green Pines Road
Park Rapids, MN 56470–6312

MTC–00025456

From: Patricia J Bennatts
To: Microsoft ATR
Date: 1/25/02 8:36pm
Subject: Microsoft Settlement

Please stop this threat to progress and consumer support and settle this case to the company that has shown ability to provide new and desirable innovations in this industry. Let not those who wish to destroy and take unearned advantage of this good company succeed but advise and require they operate and invent their own success and talent.

MTC–00025457

From: Phil (038) Connie Sonntag
To: Microsoft ATR
Date: 1/25/02 8:38pm
Subject: Microsoft Settlement

January 25, 2002
To: US DOJ
Re: Microsoft Settlement

Please settle this case ASAP. AOL can't produce a competitive product, so it has to litigate out its'' competition. I have used both AOL's ''NetScape'' browser as well as Microsoft's ''Internet Explorer'' browser and Microsoft's is FAR superior.

Let the consumer decide like they always have in the past and save the consumer (we taxpayers) from paying for AOL's latencies in the courtroom. Let us shift our focus to national security problems rather than AOL's insecurities.

Phil Sonntag
Computer Consultant since 1979

MTC–00025458

From: john marriott
To: Microsoft ATR
Date: 1/25/02 8:38pm
Subject: Microsoft Settlement

I am writing in to voice my opinion against that of Microsoft's. Microsoft is pure evil, for reasons that I'm sure many, many others have already mentioned.

John Marriott

MTC–00025459

From: Gregory P. Keeney
To: Microsoft ATR
Date: 1/25/02 8:41pm
Subject: Microsoft Settlement

I am a software engineer by trade. I make my living by writing software.

Microsoft's practices have resulted in most software development jobs requiring the use of Windows, as well as Microsoft's expensive development tools. While there are many excellent free software development tools available (from the Free Software Foundation and Apple Computer Corporation, and others), these products cannot develop Windows applications.

I strongly believe that any settlement that does not involve Microsoft making their API's (Application Programming Interface) and file specifications publicly available is insufficient.

Thank you.

Gregory P. Keeney

MTC–00025460

From: PolkaDots@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:42pm
Subject: Microsoft Settlement

I think this whole allegation against Microsoft is absurd.

If Netscape had the rule, I would would be paying them every year for the ''privilege'' of using their browser.

The antitrust laws are here to ''protect'' the consumers. They are not intended to protect Netscape's income. Let's protect the consumer from having to pay through the nose for stuff that Microsoft provides for free.

Mary Doo
55 Ramblewood Drive
Warwick, RI 02889

MTC–00025461

From: kbertsche@mcsi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:40pm
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,
Katherine Bertsche
281 Sue Ellen Lane
Roseburg, OR 97470–4180

MTC–00025463

From: Lindsay, Pat
To: Microsoft ATR
Date: 1/25/02 8:44pm
Subject: Microsoft Settlement

I respectfully request that this lawsuit against Microsoft, its employees and its stockholders be settled as soon as humanly possible. This lawsuit does our country no good. This lawsuit has cost taxpayers untold dollars, hurt the growth of the entire tech industry, and contributed to the slowing of our economy. The lawsuit was very ill-advised and unfortunate. Let us have closure.

Sincerely,
Pat Lindsay
509 Briar Lane
Mattoon, IL 61938

MTC–00025464

From: Greg Metcalfe
To: Microsoft ATR
Date: 1/25/02 8:44pm
Subject: Microsoft Settlement

I'm amazed that Microsoft's refusal to allow any other OS to be loaded on a hardware vendor's systems (making them dual-boot capable) was never mentioned in the first trial. Surely this is a leveraging a monopoly? Until this issue is addressed, few contenders from the Linux world will have an even remote shot at a noteable desktop market share. I own no Red Hat Linux, et al, stock. And I usually run Linux at home. One of the few, though, and I wish it would spread. Few home users are even aware that fragile operating systems are a Microsoft pecularity. They think ''that's just the way computers are.'' Because the market is *so* MS dominated.

Isn't the DoJ supposed to be protecting us? Why the cave-in?

Greg Metcalfe

MTC–00025465

From: Jennifer Stock
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: Microsoft Settlement

i am against the proposed settlement.
J
Jennifer L. Stock
permanently under construction
http://www.kdpublish.com

MTC–00025466

From: Larry Jordan
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: Microsoft Settlement

I would like to voice my opposition to the currently proposed Microsoft settlement.

My fear is that if it is applied, Microsoft will be reasonably free to continue business as usual, which is to act in a anti-competitive, predatory way within the software development community. Here's an example from personal experience that leads me to state the Microsoft needs much more severe sanctions.

In, about, 1993, Stac, a software developer in San Diego, developed a efficient software program for encrypting and/or compressing data files on a computer.

Microsoft licensed their technology then, in violation of their licensing terms, bundled it as part of the then-current Windows 3.1 operating system.

Stac sued Microsoft in court and won. Microsoft was found to have violated the terms of their license agreement, as well as applicable copyright and trade secret laws. Microsoft was forced to pay a $4 million fine.

Microsoft paid the fine, but kept the purloined code in Windows. No longer able to sell their product, Stac went out of business, forcing over 100 people out of work. I never worked for Stac, but had many friends that did. This is not the proper way to reward hard, creative industrious work.

Where is the justice in giving Microsoft a slap on the wrist, when all they'll do is keep on doing what they've been doing?

This is neither fair, nor does it create incentives for other companies to compete against Microsoft.

Anti-competitive, anti-trust behavior needs to be punished in such a fashion that it does not recur. Anything less hurts all of us.

Thank you,

Larry Jordan

MTC–00025467

From: andrew marvin froehle
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: microsoft settelement

I bekieve this burocescy against microsoft has gone on long enought. I bekive there was a fare settlement in this matter and it is time to move on before the older citisens get hirt buy having to spend more money on upgrades from what is workking fine for them know.

MTC–00025468

From: Boop Collectibles
To: Microsoft ATR
Date: 1/25/02 8:46pm
Subject: Betty Boop Watches, Water Globes, & More! [Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00025469

From: frank moreno
To: Microsoft ATR
Date: 1/25/02 8:49pm
Subject: Microsoft Settlement

Gentlemen;

I think that we need to see an end to the costly and damaging litigation brought about by Microsoft competitors.

Tank you.

Frank Moreno

MTC–00025470

From: Gil Poulsen
To: Microsoft ATR
Date: 1/25/02 8:51pm
Subject: Comments on the proposed Microsoft antitrust settlement

As a longtime Macintosh user but also someone who recognizes the immense value of the open source movement, I have significant reservations about the proposed settlement. My primary concern is that none of the remedies appear to offer any protection for any of the open source OSs or applications, those which Microsoft is clearly intent on eradicating and which Steve Ballmer actually referred to as a ''cancer'' in June of last year.

I believe that were remedies specifically put in place to protect open source software from Microsoft's predatory and clearly anti-competitive actions, it would breed some healthy competition for Microsoft, which in the end is best for the consumer. And isn't that what the case is really all about? Thanks for listening. —

Gil Poulsen, Mac Wirehead
AltiM@c Consulting
111 Mali Drive
N. Plainfield, NJ 07062–2355
Voice: 908–222–9001
FAX: 908–222–9002

MTC–00025471

From: fwheeler
To: Microsoft ATR
Date: 1/25/02 8:53pm
Subject: Microsoft Settlement

Gentlemen:

I think the antitrust settlement between Microsoft, the Department of Justice and the nine States'' Attorneys General is equitable and fair and should be adopted. It appears to be in the best interest of of the public and will permit the industry to move forward.

Sincerely,
F.E. Wheeler
(fwheeler@Aeneas.net)

MTC–00025472

From: fburdick@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:52pm
Subject: Microsoft settlement

I strongly urge the Department of Justice to reach a reasonable settlement with Microsoft. With the soft economy we have today we do not need another Enron. Microsoft employs thousands and a layoff would be disastrous to the economy, especially in the western states. I do not believe that Microsoft has done anything that their competitors have done in a smaller scale, yet they expect the government to advance their causes—or should I say ''agenda''.

Sincerely,
Frank Burdick
Pueblo, Colorado

MTC–00025473

From: Gilbert A. Wesson
To: Microsoft ATR
Date: 1/25/02 8:52pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is much too lenient and won't discourage Microsoft's monopolistic practices.

MTC–00025474

From: Mike Saunders
To: Microsoft ATR
Date: 1/25/02 8:53pm
Subject: Fw: Attorney General John Ashcroft Letter

———-Original Message———-
From: Mike Saunders <msaunders@blueridge.net>
Date: Friday, January 25, 2002 8:52 PM
Subject: Fw: Attorney General John Ashcroft Letter
———-Original Message———-
From: Microsoft's Freedom To Innovate Network <fin@MobilizationOffice.com>
To: ''MSAUNDERS@BLUERIDGE.NET'' <MSAUNDERS@BLUERIDGE.NET>
Date: Monday, January 21, 2002 2:04 PM
Subject: Attorney General John Ashcroft Letter

>Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

>When you send out the letter, please do one of the following:

>* Fax a signed copy of your letter to us at 1–800–641–2255;

>* Email us at fin@mobilizationoffice.com to confirm that you took action.

>If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

>The Attorney General's fax and email are noted below.

>Fax: 1–202–307–1454 or 1–202–616–9937

>Email: microsoft.atr@usdoj.gov

>In the Subject line of the e-mail, type Microsoft Settlement.

>For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
>www.usdoj.gov/atr/cases/ms-settle.htm

MTC–00025475

From: WIN B ENDERS
To: Microsoft ATR
Date: 1/25/02 8:54pm
Subject: Microsoft settlement

I think both, the DOJ and Microsoft should accept the terms of the settlement and stop this endless litigation and get on with being productive.

win enders

MTC–00025476

From: brookvue@uslink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:51pm
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,
Gene Kitzmann
1818 East Five Poiny Lake Dr NW
Hackensack, MN 56452

MTC–00025477

From: Michael T. Wilson
To: Microsoft ATR
Date: 1/25/02 8:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

The settlement offer should be accepted and this matter should be brought to a close.; Microsoft built a better mousetrap and the

public bought it. The individuals attempting to undermine the settlement are business entities who want the law to be used as a bludgeon to beat Microsoft out of a portion of the marketplace for them.

Let's end this matter and get on with living. Should anyone have any questions regarding my position on this case please feel free to use the contact information in this email to reach me.

Thank you.

Michael T. Wilson
Attorney and Counselor at Law
631 Crestridge Court
Wichita, KS 67230–1621
Telephone: (316) 218–9998
Facsimile: (316) 218–9998
Website: www.mwilsonlaw.com
Email: mwilson@mwilsonlaw.com
(316) 218–9998.

MTC–00025478

From: Donlorfl@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:56pm
Subject: microsoft settlement

do not penalize success which is now in short supply. don moriarty, nokomis fl.

MTC–00025479

From: inetnow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
Subject: Microsoft Settlement

The case against MS has stalled the IT industry long enough. We are in a recession. The case is old news anyway.

MTC–00025480

From: inetnow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
Subject: Microsoft Settlement

The case against MS has stalled the IT industry long enough. We are in a recession. The case is old news anyway.

CC:inetnow@hotmail.com@inetgw

MTC–00025481

From: Dan Matulich
To: Microsoft ATR
Date: 1/25/02 8:59pm
Subject: Microsoft Legal Battle

Dear US Government,

Let me clarify: I am a retired engineering manager who uses computer daily and who has learned over the years how to communicate better thanks to Microsoft's ingenuity.

I admire this company as much as I admire Edison. In our market driven economy innovation is the key and competition is the means that customers use to get the best deal. Microsoft was innovative and competitive and daring to take risks. Competitors lost and are trying now through the back door to get some of the lost market share.

Further government intervention will only further exacerbate the economic conditions we presently are experiencing by slowing down further the innovation which was key to a bit prosperity we have had. I do not see any Microsoft competitor coming up with some new ideas other than hiring lawyers to get money by other means. How sad. Don't encourage this kind of effort.

Respectfully,

Dan Matulich
5017 Range Horse Lane
Rolling Hills Estates
CA 90274
Tel 310–373–2940
Dan.Matulich@Verizon.net

MTC–00025482

From: Gary P Greenland
To: Microsoft ATR
Date: 1/25/02 8:59pm
Subject: Microsoft Settlement

To Whom it may concern,

I would like to submit my thoughts on the Microsoft case. I believe it is time to place this matter behind us and move forward. I think that further litigation will only serve to hurt the American consumer. I do not believe Microsoft has committed any antitrust violations. Please rule on this promptly. Thank You.

Gary P. Greenland

MTC–00025483

From: Ger1329@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:01pm
Subject: microsoft settlement

Surely the government-suggested settlement with Microsoft has been patiently arrived-at and seems eminently fair. After all the time and money spent by both sides, isn't now the time to conclude this business and let the government and the company make better use of its energies? I believe so.

Gerald Miller, New York City

MTC–00025484

From: Mike Smith
To: Microsoft ATR
Date: 1/25/02 9:02pm
Subject: Microsoft Settlement

I think it's time for the Government to close this case against Microsoft and give up the Witch hunt the Clintons started . I see no reason to keep dragging this case out .

MTC–00025485

From: bear
To: Microsoft ATR
Date: 1/25/02 9:02pm
Subject: microsoft settlement

It's no secret that Steve Case, Scott Mc Nealy and Larry Ellison are not friends of Microsoft. Competitors often disagree but usually settle their differences by letting the players, in this case the consumer to choose the winner.

What did Microsoft do wrong? Not charging individuals for Internet Explorer was brilliant. I was not hurt as a consumer it was free. As a result I recently downloaded the Netscape Browser for free. Would this be possible if Internet Explorer didn't exist? No matter how you look at it the consumer benefits. Yahoo adopted a similar business plan by giving consumers free access. As a user of all the listed products I think it's great.

In the end the DoJ will decide how big an impact on our economy this settlement will have. A speedy decision will help the economy by providing clarity by Quantifying risk. Investors in 401k, IRA's, mutual funds, state and federal pension plans, and individual investors nervously await the out come. Anything less will leave a cloud of uncertainty, which will keep MSFT and the rest of the market from focusing on their businesses. In this case all investors and the economy will be hurt.

I know the DoJ believes they are smarter and think I'm a simpleton. But my response is to protect my interests not that of MSFT. As a small business owner I believe in free market competition not protectionism. My view is Microsoft gave the end user the best deal. They gave us more for less with seem-less integration. Any claim to the effect things would be better if Microsoft innovation is impeded is pure speculation. How many innovations have competitors given to consumers at no charge? People and companies don't always make good on their claims and tend to exaggerate when ''if and buts'' are added in the mix.

Larry Oshita

MTC–00025486

From: draycox@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
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,
Dennis Cox
315 Ashebrook Rd Apt 60
Salisbury, NC 28147

MTC–00025487

From: Mac User
To: Microsoft ATR
Date: 1/25/02 9:04pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am strongly opposed to the settlement offered in the Microsoft antitrust trial. Microsoft has repeatedly used anti-competitive practices to undermine other companies to maintain their monopoly. They also continually use their monopoly power to leverage other markets. This has severely hampered innovation in the computer industry. The penalty for their actions must allow for the re-introduction of true competition into the marketplace. The settlement does absolutely nothing to address these serious issues. Indeed, only a true break-up of the company along with opening up of the source code and data file formats can help. Further a ban is required on their

ability to contract with computer manufacturers which prevent them from selling competing software.

As a developer in the computer industry, I personally feel the negative effects of the Microsoft monopoly every day. Something better needs to be done to rectify the situation, and Microsoft will never willingly agree to what is needed. I implore you do the right thing and forget about settlement and enact a fitting penalty that will be effective.

Do not forget that they willfully fabricated false testimony in the original case. How can they be trusted to develop a fair settlement?

Sincerely,
Frank Schima
Gaithersburg, MD USA

MTC–00025488

From: tedorgan@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:01pm
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,
Tracy Dorgan
1 Birch Hil Drive
Nashua, NH 03063–2502

MTC–00025489

From: Evan J Hale
To: Microsoft ATR
Date: 1/25/02 9:05pm
Subject: Microsoft Litigation

I firmly believe that it is time to end this very expensive court case that is costing taxpayers millions just because one company (Microsoft) makes a better product than it's competitors, thus sells more. It is lining the pockets of competitor big wigs and lawyers. Of course they would like to drag it on. I have urged Utah's Attorney General to go along with other states in bringing this to a halt and hope that the Justice Department can mitigate this before any more money is spent.

Evan J. Hale
ejash@juno.com

MTC–00025490

From: Earl H Barton
To: Microsoft ATR
Date: 1/25/02 9:04pm
Subject: Microsoft settlement

Sirs:,

I think the time has come to put this to an end. The settlement as is, is fair to all and should be ended now. No other company has helped the public as much as Microsoft. They are the only one's I know of that's gives so much to Charity. I dont see any of the others doing this. Just because Microsoft has the best product, as I have used, Is no reason to try to break up the company... Thats just not the American way.

You may use this in any way you see fit. Thank you for letting me put in my two cents worth..

Earl H. Barton, age-70
68 Pine Rd. POB–182
Norris, Tn 37828
earbar1@juno.com

MTC–00025491

From: Mason Thomas
To: Microsoft ATR
Date: 1/25/02 9:07pm
Subject: Microsoft Settlement

MTC–00025491 0001

As a professional working in the technology sector, I often have occasion to use Microsoft software and competing products. I am therefore concerned that the Revised Proposed Final Judgment in the Microsoft antitrust case has a number of deficiencies that prevent the Judgment from providing certain and effective relief for Microsoft's violations of the Sherman Act. Unless these flaws are corrected, the Revised Proposed Final Judgment is clearly against the public interest and will positively harm third parties.

This Comment addresses five serious deficiencies of the Revised Proposed Final Judgment. The deficiencies are discussed in the order they appear in the Judgment, not necessarily in their relative order of impact on injunctive relief. The deficiencies are:

1. The Judgment provides no remedies for past unlawful conduct.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly (Section III.A. and III.B.).

3. Restrictions on disclosure of communications protocols maintains a barrier to competition (Section III.E.) .

4. Arbitrary five year term of Judgment harms the public interest (Section V.).

5. The definition of ''Non-Microsoft Middleware Product'' maintains a barrier to competition (Section VI.N.).

Although it is unreasonable to expect a truly optimal Judgment that best serves the public interest, the existence of any one of the above deficiencies—and certainly the coexistence of several of them—will not end Microsoft's unlawful conduct nor avoid a recurrence of violations of the Sherman Act, and is thus outside the reaches of the public interest.

1. Judgment provides no remedies for past unlawful conduct Although the Revised Proposed Final Judgment provides limited remedies ''to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft'' (Competitive Impact Statement, Section I.), it does not in any way ''undo its anticompetitive consequences'' (Competitive Impact Statement Section IV.B.). There is no provision in the Judgment to remedy any past anticompetitive actions by Microsoft: all provisions in the Judgment attempt to alter the current and future behavior of Microsoft. As such, the Judgment does not effectively restore the competitive conditions experienced by Microsoft prior to its violations of the Sherman Act.

An effective remedy for Microsoft's past illegal actions requires a careful balance to empower injured competitors while not unduly damaging Microsoft. A simple but fair remedy would create a pool of Microsoft's money based on a percentage of sales of Microsoft Operating System Products since the filing of the antitrust complaint till the time of the Final Judgment entered by the Court. The parties damaged by Microsoft's anticompetitive behavior (e.g., Sun Microsystems, Netscape Communications Corp., etc.) would be payed from this pool. The size of the pool and the relative payment terms to competitors are details that require careful consideration.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly

Allowing volume discounts serves no procompetitive interest and is in fact very much against the public interest as it serves to illegally maintain Microsoft's monopoly. Section III.A. of the revised proposed final judgment stipulates that ''Nothing in this provision shall prohibit Microsoft from providing Consideration...commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' Section III.B.2 provides for a licensing fee schedule that ''may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product...'' These provisions allow Microsoft to continue to leverage its monopoly position to illegally maintain that monopoly. The Competitive Impact Statement entirely ignores the anticompetitive ramifications of these terms.

Unlike traditional manufacturing, where the production or distribution of a large quantity of a product can generate ''economies of scale'' and thereby procompetitively justify non-uniform pricing (e.g., volume discounts), the licensing of software has no significant economies of scale. A comparison with traditional manufacturing is useful. For a car dealership selling hundreds of cars per month, there is economic justification for the car manufacturer to provide a volume discount to the dealership: the distribution costs (shipping) per car are lower than for a dealership selling only ten cars per month. With software however, the only economy of scale obtained is slightly cheaper production materials: compact disks for distribution and paper for documentation and product boxes. OEMs typically only include a compact disk with a new computer purchase, for which the volume production cost is under one dollar (USS1.00) . Hence the economies of scale afforded by large scale OEMs to Microsoft are less than one percent (1%) of the retail value of typical Windows Operating System Products. Hence there is no significant procompetitive reason to allow volume discounts to large OEMs.

Allowing Microsoft to offer volume discounts will further entrench its monopoly position. With volume discounts, Microsoft would retain the ability to price its Windows Operating System Product licenses at an artificially low cost to the largest OEM vendors. These vendors would thus have a strong incentive to continue to offer exclusively or predominantly the Microsoft Operating System Product on new Personal Computers. The largest OEM Personal Computer suppliers would have a free market incentive to choose alternate Operating System Products if Microsoft's Operating System Product were instead priced at an open market value. Avoiding volume discounts increases competition while preventing Microsoft from leveraging its monopoly to stifle competition.

This deficiency of the revised proposed final judgment is remedied by deleting the words ''distribution'' and ''licensing'' from the last paragraph of Section III.A. and by modifying Section III.B.2 to read ''the schedule may not specify volume discounts based upon the actual volume of licenses of any Windows Operating System Product or any group of such products.'' These modifications will still allow Microsoft to compete in the marketplace based on the merits of the Windows Operating System Products, but prevent Microsoft from anticompetitively erecting barriers to competitive products.

3. Restrictions on disclosure of communications protocols maintains barrier to competition

The Revised Proposed Final Judgment maintains a significant barrier to competing Non-Microsoft Middleware Products by restricting the disclosure of Communications Protocols. Section III.E. of the Judgment provides that Microsoft shall disclose Communications Protocols ''on reasonable and non-discriminatory terms.'' Such terms, however, prevent a large number of established and nascent competitors from obtaining the Communication Protocols. ''Reasonable and non-discriminatory'' license terms act as an anticompetitive barrier to potential Microsoft competitors, while providing no procompetitive advantage for Microsoft.

''Shareware'' software developers typically provide software products (including middleware) free of charge for end users to evaluate, and only demand payment if the end user decides to continue using the software product. Such developers would be unable to comply with ''reasonable and non-discriminatory'' licensing terms unless a very large percentage of end users payed for the software product. Similarly, the entire ''open source'' class of software would be unable to meet ''reasonable and non-discriminatory'' terms as the ''open source'' licenses allow virtually unlimited duplication and derivation rights. Several important Non-Microsoft Middleware Products are ''open source'', notably the Samba program (http://www.samba.org), that provides file transfer and print services through the Microsoft SMB Communications Protocol. The Samba program is a well-established and widely used alternative to Microsoft Middleware Products, but it would be effectively prevented from competing with Microsoft through the adoption of ''reasonable and non-discriminatory'' licensing terms for future changes in the SMB protocol.

This deficiency of the Revised Proposed Final Judgment can be remedied by a simple wording change. The phrase ''reasonable and non-discriminatory'' in Section III.E. of the Judgment should be changed to ''royalty free''. Since Microsoft's ability to hide Communication Protocols serves only to prevent competitors from effectively interoperating with Microsoft products and does not in any way increase competition, a mandatory royalty free license would serve to allow both large and small competitors to interoperate with Microsoft products.

4. Arbitrary five year term of Judgment harms the public interest

The Competitive Impact Statement in Section IV.C. claims that a five year time frame for the Judgment ''provides sufficient time for the conduct remedies contained in the Proposed Final Judgment to take effect...and to restore competitive conditions to the greatest extent possible.'' The Competitive Impact Statement provides neither evidence, nor precedence, nor logic to support this claim.

In fact, a five year term may well be too long. The provisions of the Revised Proposed Final Judgment may turn out to be so effective at restoring competition that Microsoft loses its dominance in less than two years in the Operating System market for Personal Computers and becomes unnecessarily hobbled by the restrictions of the Judgment. In such a case, Microsoft would be unfairly restricted from competing in the market for another three years, possibly causing great economic damage to Microsoft and depriving consumers of the fruits of a vibrant competition in the Operating System market.

Alternatively, the provisions of the Revised Proposed Final Judgment might not be sufficient to hinder Microsoft's anticompetitive actions, and Microsoft could continue to violate the Sherman Act through an extended seven-year Judgment period. Clearly such a situation would severely harm the public interest, again depriving consumers of the benefits of a competitive market and stifling the entire Operating System and Middleware market. The arbitrary five year Judgment term length would only be beneficial in the most serendipitous of circumstances, and the arbitrary two-year extension does not mitigate this fault.

The overriding concern of this Judgment is to prevent Microsoft's anticompetitive actions and to restore competitive conditions to the market, and it is that principle that should guide the term length of the Judgment. The most straightforward application of this principle would be to terminate the Judgment when Microsoft no longer enjoys monopoly status. This could be achieved with the following replacement for Section V. (Termination) of the Revised Proposed Final Judgment:

''This Final Judgment will expire when Microsoft's Windows Operating System Product has less than fifty percent share of the Personal Computer Operating System market (as determined by a market study provided by a mutually agreed upon third party).''

With this revised termination clause, the Judgment will stand exactly as long as necessary for the public interest. An alternate definition of monopoly status (i.e., instead of ''fifty percent market share'') may also be acceptable, provided it is logically and legally defensible, and maintains the intent of the Judgment.

This new termination clause will ensure the return of healthy competition to the Operating System market without unduly burdening—or harming—Microsoft. At the point that Microsoft's Windows Operating System Products have less than fifty percent share of the Personal Computer Operating System market, there is clearly healthy competition in that market, with at least one other dominant competitor to Microsoft. There is then no further reason to impose the conditions of the Judgment. However, Microsoft is not prevented from maintaining its monopoly on the technical merits of its products. The ongoing terms of the Judgment would not be onerous to Microsoft should it maintain a monopoly position without resorting to anticompetitive actions.

5. Definition of ''Non-Microsoft Middleware Product'' maintains barrier to competition

Although the Revised Proposed Final Judgment seeks to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful conduct'' (Competitive Impact Statement, Section IV), the proposed definition of ''Non-Microsoft Middleware Product'' serves instead to maintain barriers to competition. Section VI.N. of the Revised Proposed Final Judgment stipulates that a software product, among other requirements, can only be considered a ''Non-Microsoft Middleware Product'' if ''at least one million copies were distributed in the United States within the previous year.'' This requirement is explained in the Competitive Impact Statement, Section IV.A. as being ''intended to avoid Microsoft's affirmative obligations...being triggered by minor, or even nonexistent, products that have not established a competitive potential in the market...'' As the Competitive Impact Statement makes clear, the definition of ''Non-Microsoft Middleware Product'' intentionally limits the possible competitive impact of nascent middleware products. Such a limitation is antithetical to the desired goals of the Judgment.

This deficiency of the Revised Proposed Final Judgment can be easily remedied by deleting Section VI.N. (ii) and thus removing the restriction on number of copies distributed. The Competitive Impact Statement in Section IV.A. states that the restriction on number of copies distributed ''is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D. and the creation of the mechanisms required by Section III.H.—being triggered by minor, or even nonexistent, products...'' In other words, Microsoft should not endure an onerous burden in its obligations. However, deleting Section VI.N. (ii) would not create such a

burden. Since Section III.D. already specifies that APIs and related Documentation shall be disclosed via the Microsoft Developer Network or similar mechanisms, Microsoft will not require any further effort to make the APIs and Documentation available to ISVs or other middleware developers that have not established a competitive potential in the market—but that nevertheless have the potential to become competitors with Microsoft. Furthermore, the mechanisms required in Section III.H. (such as the creation of Add/Remove icons) are sufficiently generic that they will only need to be created once—and likely already exist—to accommodate all Microsoft and Non-Microsoft Middleware, and hence the expansion of the number and kind of possible middleware competitors to Microsoft again does not create an undue burden on the company.

This Comment has been submitted through both e-mail and facsimile copy.

Respectfully submitted,
Mason Thomas
4333 Wildwest Circle
Moorpark, CA 93021
(805) 530–1502
January 25, 2002

Join the world's largest e-mail service with MSN Hotmail.
http://www.hotmail.com
00025491 0005

MTC–00025492

From: LARRY HAYDEN
To: Microsoft ATR
Date: 1/25/02 9:07pm
Subject: WHAT DID I FIGHT FOR

WHY DID I FIGHT TO KEEP AMERICANS FREE ?WHEN OUR OWN GOVERMENT AND OTHERS LIKE THEM WON'T LEAVE OTHERS ALONE TO PURSURE THE DREAM . IF OTHERS DON'T HAVE A DREAM OF THERE ON THEN DON'T GET INTO OTHERS. BILL GATES AND OTHERS LIKE HIM HAD A DREAM BUT THE GOVERMENT PUT THERE TWO CENTS WORTH IN. THE OTHERS LIKE THE OTHER 9 STATES AND NOW AOL? WELL I GUESS ALL THE THINGS I WENT THROUGH AND OTHERS LIKE ME WELL, I GUESS IT WAS ALL IN VAIN. WE ARE NOT A FREE COUNTRY WHEN THE GOV CAN TELL YOU WHAT YOU CAN INVENT FOR THE BENNIFIT OF OTHERS. I GUESS IT WAS JUST A DREAM.

LARRY HAYDEN

MTC–00025493

From: Dan Liscinsky
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

the proposed settlement is a bad idea.

MTC–00025494

From: Joe King
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

To whom it may concern:

As a consumer of computer software and hardware items, I urge that the Microsoft Case be settled as soon as possible and let this industry resolve the issues through competition rather than through politics and unjust justice.

Thanks, Joe King

MTC–00025495

From: piyush gupta
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I am a first generation immigrant, having arrived here from India 23 years ago. I remember the two things that had most impressed me a short time after I landed. One was the highway system—so cleverly built that one could go from one end of the country to another without encountering any barriers like traffic lights! And the second was the anti-trust system underlying our free market economy that has made ours the most powerful nation on Earth. It was an immense eye-opener for me to find out how the anti-trust sytem had successfully decoupled the film sales market from the film development market and enabled two thriving, competitive markets to develop and benefit consumers nationwide.

Well, I feel that our anti-trust system is letting us down in the MicroSoft case. At least two Federal courts have now determined that MicroSoft is an illegal monopoly—a fact that has been evident for years to professionals in the computing field like myself. I have had some first hand experience in seeing how MicroSoft deals with potential ''partners.'' MicroSoft has yet to deliver any original piece of technology to the marketplace. Their operating system monopoly has been based on getting the DOS software from someone else, partnering then driving IBM away. Their database was stolen from Sybase. Netscape created the browser market, and MicroSoft illegally used their Windows monopoly to virtually drive them out of business.

I work in the computer industry in Silicon Valley. Any enterpreneur who tries to start a company and raise venture capital is now asked how they will prevent MicroSoft from crushing them if they are successful! You can imagine the chilling effect this is having on innovation. If MicroSoft is allowed to continue unchecked, it will be disaster for the American IT industry. Why would you bother to create another innovation like the web browser when you know MicroSoft will copy it, bundle it with Windows, and drive you out of business!

I'm glad the civil suit settlement was rejected— can you imagine, the civil settlement would have provided MicroSoft with a toehold in the education market, the only one where Apple has been able to hold the off!! I hope you will see fit to reject the proposed DOJ settlement as well. It does not punish MicroSoft for its past anti-competitive practices, nor prevents it from continuing to do so in the future. Approving the current settlement will spell disaster for the future economic well being. Thank you.

MTC–00025496

From:MOLITUO@aol.com@inetgw
To: Microsoft ATR
Date:1/25/02 9:08pm
Subject: Fwd: Microsoft Settlement

MTC–00025496 0001

Dear DOJ:

I want to say so much, perhaps too much! Instead I shall offer a number of sentences, keeping them as brief as possible:

(1) As a consumer, I want all manufacturers of the products I purchase to enjoy the freedom to make those products better for me, without the jeopardy of Big Brother Interference!

(2) AS a reader of multiple articles on this endless government harassment of Microsoft, I have concluded simply that a number of companies [all of whom share some specific monopolistic piece of the pie] turned to Government Officials to hamper and hammer Microsoft when this cadre of companies decided they could not defeat Microsoft in a marketplace controlled by the long-standing principles of the American Economic System! Like a child who decides not to slug it out with his nasty classmate; but to go home to summon his ''big'' brother to do the fighting for him!

(3) As a past student of some psychology courses, I think that Jealousy has had too much to do with this legal pursuit of a premier company. The multibillionaires in control of the ''offended corporations'' are envious of the astounding success of the richest! Even the Federal and State Governments fall prey to the venom of jealousy seeing what a well-organized and truly innovative Corporation can achieve; while these governmental entities prove largely feckless to their tasks and reckless with taxpayers'' money in the process!

(4) In view of Judge Jackson's relentless pursuit of Microsoft and his self-declared antagonism for its officers, it bedazzles me that the Court of Appeals would uphold his Findings as unprejudiced and valid! The fact that he may have declared his belligerence toward Microsoft only subsequent to Court Proceedings cannot distract a thoughtful individual from the fact that those belligerent statements revealed his mindset and opinion throughout the entire course of this legal saga!

(5) By upholding the Jackson Findings, the Court of Appeals covered the ''behind'' of the Judiciary System; but, in its attempt to protect the Honor of that System, it failed to do true Justice! Could the Judges not see -or did they see but pretend not to see- that hostile statements made by Judges against Principals in their Courts display for the world not a ''new prejudice'' against a defendant just now judged to be guilty? Simple chronology cannot be invoked to defend a long-standing, vindictive attitude and mindset that dishonor the very Judiciary System the Court of Appeals tried so hard to protect. Despite obvious partiality on the part of the Trial Judge -obvious at least to ordinary laypeople- virtually all his condemnatory Findings were upheld!

(6) The slap on Judge Jackson's hand did not achieve Justice! The Jackson Findings were mortally flawed through and through by the prejudices of a judge who is paid to be unprejudiced! The rejection of a split-up of Microsoft as a remedy was too obvious, really, even to have taken up the Appeal Court's time! Judge Jackson had wrongly escalated his proceedings far beyond the

scope of the suit itself. As a matter of fact, the essence of the case against Microsoft, ie. the bundling, was found by the Court of Appeals in Microsoft's favor! How can a man accused of murder be declared guilty of murder if he is shown to be an adulterer? How can a company accused of illegal bundling -and the finding of illegal bundling is subsequently overruled- be required to pay damages because it had bad business manners?

(7) We are faced now with a New World of Commerce! Competition is no longer valued as the arbiter of corporate success or failure. Now Government and the Judiciary are to be given carte-blanche to police and to punish those corporations that have the temerity to be TOO SUCCESSFUL FOR THEIR COMPETITORS'' LIKING!

Thank you.

MTC–00025497

From: Donald W. Hurta
To: Microsoft ATR
Date: 1/25/02 9:09pm
Subject: Fw: Microsoft Settlement

——Original Message——
From: Donald W. Hurta
To: microsoft.atn@usdoj.gov
Sent: Friday, January 25, 2002 6:19 PM
Subject: Microsoft Settlement

To whom it may concern, Enough is enough!!! Let's get on with the economy. leave Microsoft alone!!!

What were you people thinking to start with ? They no more a monopoly than General Motors or Ford. Quit wasting public money on this ridiculous boondoggle.

Sincerely,
Donald W. Hurta

MTC–00025498

From: Carll Frye
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter in regards to the antitrust settlement between Microsoft and the Department of Justice. My opinion is that the litigations against Microsoft need to come to an end and the settlement that has been reached is more than fair and reasonable. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. This litigation shows that a normal hardworking person can only get so far. You take a company and put your whole life into it, build it up from the ground up and then the government comes in and tells you that you have to tear it down.

Furthermore, Microsoft gives thousands of people jobs, donates millions to charity, and has developed software that has enabled people to run their own businesses more efficiently. The terms that Microsoft has agreed to have shown that they are willing to do what it takes to end this matter, enabling themselves and the courts to concentrate on more pressing issues. Microsoft has consented not to retaliate against software and hardware developers and promoters that compete with Microsoft. Also, Microsoft will make it easier for non-Windows programs to run within Windows.

It is obvious this issue needs closure. Litigations will continue to waste millions in tax dollars not to mention the effect that it has had on the IT industry and the economy. Microsoft has worked hard to become the company it is and should not be torn down or hassled any further.

Sincerely,
Robyn Frye
15903 SE 58th Street
Bellevue, WA 98006

MTC–00025499

From: estr747962@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:06pm
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,
E Strange
35223 Cielo Vista
Cathedral City, CA 92234

MTC–00025500

From: Darlene Wallach
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. It is NO punishment for Microsoft rather it furthers their products being used and precludes the use of other products.

Darlene Wallach
47 Boston Avenue
San Jose, CA 95128–1902
wallachd@earthlink.net

MTC–00025501

From: Rosemary Scanlon
To: Microsoft ATR
Date: 1/25/02 9:10pm
Subject: Microsoft Settlement

Please see the attached letter urging that this settlement be completed.

Enough is enough.
Rosemary Scanlon
10 Clinton Street # 9T
Brooklyn, NY 11201
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been following the ongoing antitrust lawsuit between the U.S. government and Microsoft, and I would like to see it settled according to the terms both sides agreed to in November. Microsoft is making several important concessions to end the case, and I feel that your office should comply with the settlement.

Microsoft has agreed to significant changes to end the suit, changes that will benefit both its competitors and consumers as a whole. Designing new means for computer makers and users to customize their use of Windows and its affiliated programs, as well as to integrate programs by competing developers, enhances the public's freedom of choice, while protecting Microsoft's right to continue developing some of the most innovative technologies in the marketplace.

I believe that the case has been active long enough, and the potential settlement is the only likely way to end it any time soon. I urge you to finalize the settlement and move on to more important matters.

Sincerely,
Rosemary Scanlon

MTC–00025502

From: Matt Covey
To: Microsoft ATR
Date: 1/25/02 9:11pm
Subject: Microsoft Settlement

I'm a software engineer with more than 20 years'' experience developing for numerous platforms. I'd like to comment on the Proposed Final Judgment (PJF).

Specifically, I believe the PFJ has 3 serious flaws:

a) it allows many exclusionary practices to continue

b) it does not take any direct measures to reduce the ''applications barrier to entry'' faced by new entrants to the market

c) it does not deny to the defendant the fruits of its statutory violation

I won't go into details—there are other public comments describing these points*. Instead, I would say that after reading the proposed settlement and it's technical remedies, I see nothing that stops Microsoft from continuing it's current style of business. These remedies will have very little real-world effect. And if Microsoft is allowed to retain the benefits of it's past misconduct and more importantly continue it's anti-competitive behavior, how is this a settlement that benefits anyone except Microsoft?

Certainly it doesn't benefit the consumer.

Sincerely,
Matt Covey
President, Classical Software

* Two examples: http://www.kegel.com/remedy/

http://www.antitrustinstitute.org/recent/162.cfm

MTC–00025503

From: FFALLENBY@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:12pm
Subject: microsoft settlement

i believe the microsoft case has gone on long enough. with all the problems the country has now we should get on with the future and not have att gen's of the various drag the case on longer. considering the anti cigarette debacle with the states missusing huge amounts of funds, it makes little sense to allow them to attempt hurting a company that has been so innovating and successful in expanding the tech world. they have been an asset to the country and their pricing has kept the cost of computing reasonable for all of us. Frank Friedland 6945 Fountains Circle

Lake Worth, F e-MAIL ADRESS ffallenby@aol.com

MTC–00025504

From: Juan Rodriguez
To: Microsoft ATR
Date: 1/25/02 9:13pm
Subject: US vs. Microsoft

Dear Sirs,

I am a network administrator for a small CPA firm in Southern Indiana, and I am also a CPA. As someone who works with computers every day, I will be affected by the outcome of US vs. Microsoft. However, I believe the proposed settlement is not appropriate given the facts of the case or the fact that Microsoft, Inc. has already been found guilty of illegally maintaining its monopoly.

The proposed settlement does not address several issues that I believe are extremely important.

The settlement does not keep Microsoft from preventing computer manufacturers and/or resellers from bundling competing products with the computers and Microsoft operating systems.

The proposed settlement allows Microsoft to keep its illegally obtained profits. Microsoft's monopoly profits are the direct result of its anti-competitive practices. Consumers have overpaid for Microsoft products, specifically the Windows 95 operating system, but this issue is not addressed. Consumers are being harmed because they have overpaid for Microsoft products but that money is not being repaid. Such repayment might have a positive side-effect on the economy because consumers will probably spend at least some of that money if it is repaid. Also, criminals should not be allowed to keep their ill-gotten gains. Criminals should also not be allowed to use their ill-gotten gains to pay for their legal defense.

The settlement makes no attempt to punish Microsoft for their wrongdoings. While the settlement establishes some mechanisms to prevent future wrongdoing, it does not address punishment for past wrongdoings. This is not consistent with the American Justice System.

A more fair settlement should address the following:

1. In order to prevent an extension of Microsoft's monopoly, its products, particularly its operating systems, should be placed as extra-cost options in the purchase of new computers, so that consumers who do not wish to purchase them are not forced to do so. This would help consumers see what they are actually paying for Microsoft products and might cause consumers to consider alternatives. A more informed public should be a desired outcome of the trial for the US Government.

2. The specifications of Microsoft's present and future document file formats must be made public. This will allow documents created with Microsoft applications to be read by applications from other software makers or developers.

3. Any present and future Microsoft networking and authentication protocols must be published and approved by an independent body. This would help prevent Microsoft from seizing control of the Internet and data centers.

4. The money that consumers have overpaid for Microsoft products should be repaid, in order to rectify some of the harm consumers have endured.

Please reject the proposed settlement and work towards stiffer penalties for Microsoft.

Regards,
Juan R. Rodriguez, CPA
New Albany, Indiana

MTC–00025505

From: Paul Slagle
To: Microsoft ATR
Date: 1/25/02 9:17pm
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 settlement of the United States vs. Microsoft antitrust case.

I agree and support several well-written and detailed arguments against the settlement. These include:

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

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

http://www.codeweavers.com/jwhite/tunneywine.html

Personally, I have been a software engineer for over 20 years, working with mainframes, PCs, and Unix boxes. I've worked w/ operating systems from IBM, DEC, Microsoft, SUN, and HP among others. By far the most enjoyable and enriching years have been those working w/Unix and its variants, including Linux. The openness of the Unix community, including commercial companies, is far more in the public interest than Microsoft could ever dream to be.

Microsoft is a monopoly, interested in serving the interests of Microsoft, not the interests of the public. If Microsoft was truly and sincerely concerned about the public interest, full specifications of their APIs would be published. Source code would be freely available. Cooperative efforts on products would be encouraged and would flourish. But that is not how a monopoly such as Microsoft operates, and the proposed settlement does little to change the actions of said monopoly.

Thank you for your time and efforts.

Sincerely,
Paul Slagle
CC:pslag@mail.com@inetgw

MTC–00025506

From: res0s8pt
To: Microsoft ATR
Date: 1/25/02 9:14pm
Subject: Stop Punishilng Success

We urge you not to give in to Microsoft's competitors'' unreasonable demands. Our country's increasing harshness towards corporations will not help anyone. Wouldn't we be much better off if families like the Kennedys had used their millions to go into business, thereby employing thousands of people, rather than going into government on the backs of the working class and impeding those who are employing us?

We are retired now, but feel we were much better served by those willing to create business than by politicians claiming to have the interests of the worker at heart while getting paid by our taxes.

Three cheers for Bill Gates, his vision and his courage.

Agnes and Roland Peterson
Malibu, CA 90265

MTC–00025507

From: robert p cp calnan
To: Microsoft ATR
Date: 1/25/02 9:13pm
Subject: MICROSOFT SETTLEMENT

HEY YOU GUYS, STOP THAT CRAP NOW.....SETTLE IT!!!!!!!!

THE WORLD NEEDS MICROSOFT AND YOU GUYS NEED TO GET BUSY ON OUR MORE IMPORTANT ISSUES LIKE HEALTH AND RETIREMENT STUFF.

LISTEN TO THE GRAY HAIRED PEOPLE WHO HAVE LOTS OF EXPERIENCE AND HAVE SPENT TOO MUCH TIME OBSERVING LITTLE FORWARD MOVEMENT IN WASHINGTON.

DO SOMETHING FOR THE PEOPLE INSTEAD OF THE BIG BUSINESSES MICROSOFT HAS SERVED ALL OF US WELL AND DRAGGED US TO WHERE WE ARE TODAY. LEAVE THEM ALONE, GO AFTER THE MORE PRESSING ISSUES.....HOW ABOUT THE HOMELESS, GET THEM ARRESTED SO THEY CAN GET 3 SQUARES.....PLEASE STOP THIS MADNESS. WE ARE AT WAR, LEAVE THIS CRAP ALONE.

BOB CALNAN LAKE ELSINORE, CA.

MTC–00025508

From: William James Hart
To: Microsoft ATR
Date: 1/25/02 9:15pm
Subject: MICROSOFT SETTLEMENT

THANK YOU FOR REACHING A REASONABLE AND FAIR SETTLELENT IN THE MICROSOFT CASE.

I USE MICROSOFT PRODUCTS BECAUSE OF THEIR EXCELLENCE AND THE PRODUCTIVE RESULTS I GET.

PLEASE DO NOT LET OTHERS SEEK TO ADVANCE THEIR BUSINESSES BY FALSE CLAIMS, ESPECIALLY WHEN THEY DO THE SAME COMPETITIVE THINGS. LET COMPETITON SORT OUT BUSINESS, PLEASE. SUN MICRSOSYTEMS ARE GIVING AWAY STAR OFFICE AND IT IS A FINE PROGRAM. MICROSOFT ARE NOT CHARGING THEM WITH ANYTHING. THE TRUTH IS THAT SUN AND OTHERS CANNOT GIVE AWAY THINGS BECAUSE MICRSOFT ARE SO MUCH BETTER.

CC:William James Hart

MTC–00025509

From: Popcox13@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:16pm
Subject: Microsoft Lawsuit
January 25, 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 United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit.

This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States . Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world. Computers are now in virtually every household and bussness in the country. Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations. Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle the case. The settlement agreement the parties negotiated is fairly reasonable. It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.

Sincerely,
Howard w.Cox

MTC–00025510

From: info@lawtonpauldesign.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

To Whom it May Concern:

Under the Tunney Act, below are comments on the proposed settlement of the United States vs. Microsoft antitrust case.

The United States Government and the DOJ are doing a great disservice to all Americans by allowing Microsoft to continue to run roughshod over the entire computer industry. The proposed settlement is far too weak and vague and will allow Microsoft to continue in a business-as-usual mode. Microsoft business tactics squelch innovation and keep prices for software high by not allowing other competitors in the market.

Of many, here are two specific areas of the proposed settlement that are lacking power:

1. The proposed settlement does not prohibit anticompetitive license terms. Microsoft uses these restrictive licensing schemes to keep Open Source apps from running on Windows and keeps Windows apps from running on competing operating systems. (In a truly competitive arena, Microsoft Office would run on Linux.)

2. The proposed settlement does not stop Microsoft from using intentional incompatibilities. Microsoft continually inserts intentional incompatibilities to prevent its applications from running on other operating systems.

Thank you,
David Parker
Graphic Designer/3D Artist/ Teacher
Lawton Paul Design
info@lawtonpauldesign.com

MTC–00025511

From: Ken LLewellyn
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

To whom it may concern,

I believe very strongly that the proposed settlement is an extremely BAD IDEA! All you have to do is look at all the loopholes that Microsoft will, of course, take advantage of. The overall effect of the proposal will curb Microsoft's behavior only to a small degree. Once again, the proposed settlement is an extremely BAD IDEA!

Thank you.

MTC–00025512

From: Andrew Hon
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

Settle with Microsoft and you're being had!

MTC–00025513

From: AK Khattab
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

Dear Sirs and Madams''

I believe that the settlement is hard but fair. —

AK Khattab
Lecturer
Aerospace Engineering,
California State University, Long Beach
Tel: 562 985 4339
E-mail: akhattab@csulb.edu

MTC–00025514

From: Cebert Shrum
To: Microsoft ATR
Date: 1/25/02 9:18pm
Subject: Microsoft Settlement

It is our opinion that the Microsoft offer should be accepted. We think that it is a shame what is being done to this company because of their success.

It is another example of meddling like the case of AT&T. We had the best telephone company in the world and now we have a mish-mash and we get less service and it costs more because of one judge. The public is the ones that suffer.

In this case the public has already suffered because the stock is less valuable and if the company is punished more their products will suffer and cost more and cause more jobs to go overseas and increase unemployment.

We think it is time to let Microsoft alone.

Mr. and Mrs. Cebert W. Shrum
3733 Southern Manor Drive
St. Louis, Missouri 63125–4478

MTC–00025515

From: DONALD SCHUMAN
To: Microsoft ATR
Date: 1/25/02 9:19pm
Subject: Microsoft

To Whom it may Concern: Enough is enough. The government, states that continue the lawsuit against Microsoft, and the companies that are unwilling to compete on product capability alone (AOL, Sun Micro Systems, etc) should be stopped. Let's get on with upgrading technology and continuing the capability of company's that are willing to develop products that effect positively the rising productivity gains caused by technology. Let Microsoft and other independents go and produce gains in technology by positive development of products rather then hiding behind the court system and continuing to file unjustified lawsuits. Let freedom ring!!!!! Don Schuman
donald.schuman@worldnet.att.net

May the best product win. A taxpayer and pro freedom of technology person.

MTC–00025516

From: Paul Slagle—WOH email master
To: Microsoft ATR
Date: 1/25/02 9:22pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Pursuant to the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I feel the settlement does not go far enough in penalizing Microsoft for their monopolistic actions. It also leaves too many specifics out of the document in the area of APIs, middleware, ''Windows'', and others.

It is certainly not in the best interests of the public.

Sincerely,
Paul Slagle

MTC–00025517

From: Kzipperer@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:21pm
Subject: microsoft settlement

I am very much for the antitrust settlement between Microsoft, the Dept. of Justice etc. This is a very equitable settlement for all parties.

Kathleen Zipperer

MTC–00025518

From: Arnett Doug
To: Microsoft ATR
Date: 1/25/02 9:21pm
Subject: Comment on the proposed microsoft settlement

I think the proposed microsoft antitrust settlement is a joke. I don't see any effective remedy in it. Microsoft disregarded the spirit of the earlier DOJ agreement, they showed their disregard for the Court in the antitrust trial, and with this proposed agreement they will be able to escape being held accountable for continuing to kill developing technology and competitive companies. You can still see their fundamental behavior in their approach to Windows XP and Passport in spite of their loss in Court.

It is a shame for the Justice Department to have won the battle but now under a new administration throw away that victory.

Sincerely,
Douglas B. Arnett
4405 4th Ave NE
Seattle, WA 98105

MTC–00025519

From: Justin
To: Microsoft ATR
Date: 1/25/02 9:20pm
Subject: Microsoft Settlement

I do not agree with this settlement, and do not believe it to be a good idea.

MTC–00025520

From: Elly Davis
To: Microsoft ATR
Date: 1/25/02 9:23pm
Subject: microsoft settlement

Dept of Justice PLEASE agree with the settlement with Microsoft, thank you,
Elenora Davis, 7652 ''C''
Plantz Rd Marysville, Calif. 95901.

MTC–00025521

From: Garrett Slagle
To: Microsoft ATR
Date: 1/25/02 9:27pm
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 do not think the proposed settlement is in the best interest of the public.

Sincerely,
Garrett Slagle

MTC–00025522

From: David Horrocks
To: Microsoft ATR
Date: 1/25/02 9:24pm
Subject: Microsoft Settlement

Hi there,

I'm From New Zealand. In a place that is a green beautiful country, competitive amongst the best of the world for its tourist dollar. Yet in the computer industry our computers here are amongst some of the cheapest in the world!! Yet Companies here are dying over that competitiveness.

What is happening to Microsoft I feel is totally wrong? Instead of embracing the spirit of what Microsoft has done and inspire others to do the same it is being torn down and destroyed so another can take its place? I thought the American dream was to prosper and be an asset to society and your community. If that is a crime the yes Microsoft is wrong. Just because others are late and missed the boat and cant get their act together. Instead have to fight and proclaim war against others that succeed.

Are you going to war against Apple now because they are a monopoly with their own system? On the other hand, slam Linux users because it's free? Please I support what Moorcroft is doing, it's a pioneer in the PC and Internet industry, Microsoft have brought it into our homes into our lives and as to they help enormously in the community, world wide.

Regards

A DR Dos user first, now Microsoft user by choice

David Horrocks
Desktop Applications Trainer
with Microsoft, Adobe and Corel software products note: copies of this email have been sent to other parties for archival purposes

MTC–00025523

From: Brian Korver
To: Microsoft ATR
Date: 1/25/02 9:24pm
Subject: Microsoft Settlement

The proposed settlement is lousy for everyone but Microsoft!

-brian

MTC–00025524

From: Gator
To: Microsoft ATR
Date: 1/25/02 9:25pm
Subject: Microsoft Settlement

Micrsoft must pay for its sin against the people that want choices in there life. It is a human right and must be protected. They have skirted the truth and have done everything in there power to suppress technological vision unless it is there own. May God direct you in your decision.

MTC–00025525

From: Grant Slagle
To: Microsoft ATR
Date: 1/25/02 9:29pm
Subject: Microsoft Settlement
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I do not think the proposed settlement is in the best interest of the public.

Sincerely,
Grant Slagle

MTC–00025526

From: Woosten@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:26pm
Subject: MicroSoft Settlement

Dear Sirs:

I feel that Microsoft's monopoly in the software market is anticompetitive and anti-consumer and should be corrected by requiring them to pub information on their APIs and other portions of the Windoze operating system. This would allow other software companies to write code that is unimpeded by the interface machinations currently being foisted on us by this company. It would also make changing from one operating system to another relatively painless if the file formats were standardized.

Thank you for the work you have done on this matter.

Sincerely,
Adrian D. Carey
woosten@aol.com

MTC–00025527

From: Samrod Shenassa
To: Microsoft ATR
Date: 1/25/02 9:32pm
Subject: Microsoft's Plea Bargain

To whom it may concern:

Plea bargains are to take place before trials, when the defense enters a guilty plea. Why is Microsoft, after being found guilty of multiple anti-trust violations, given a voice in its own punishment?

The primary goals of any remedial action should be to 1) prevent Microsoft from using its marketshare as a tool to succeed over its competitors, and 2) seek punitive damages for the success it has already enjoyed using those tactics.

If Microsoft is only prevented from further leveraging Windows to destroy future competitors, then it has already won for its past actions. Windows has achieved its dominance, Internet Explorer has already destroyed Netscape, and Office already beat Lotus and WordPerfect. The relative significance to halting future anti-competitive growth is miniscule compared to what has already been achieved.

Microsoft's competitors should be allowed to again compete on equal terms. The trial's initial focal point was the issue of Microsoft handcuffing the browser to operating system to destroy Netscape. As a remedy, Microsoft should be forced to do exactly what it forced Apple to do: bundle both browsers with the OS. It should also be forced to unroot Internet Explorer from Windows, giving users the freedom to safely uninstall it entirely from the system. By shipping Windows with the latest versions of both Netscape and Internet Explorer, users have the choice of completely removing either, both, or neither browser from their system. If Internet Explorer continues to dominate, it will have done so through fair competition. To be fair Microsoft should have the choice of either bundling both or neither browser with Windows— but never one.. The key is to make acquiring and uninstalling equally easy for both browsers. While IE is pre-installed and impossible to uninstall, users need to find and download Netscape from the Internet.

This same requirment can be applied to Windows Media Player, RealPlayer, and QuickTime as well. Either bundle all three, or none at all. Microsoft should also be forced to adopt the ''Play Fair'' policy currently practiced by Real Networks and Apple: inform users what media types the player supports; recommend alternatives for unsupported media types; give users the option of which supported media types to associate with the player; and don't adversly affect the functionality of other installed media players.

Then there's the issue of fair compensation to its competitors, which seems to have been completely overlooked in this settlement. But that issue may be better settled in Netscape's recent civil case against Microsoft. And finally, what was the reason for not breaking up Microsoft? In other words, why will the government allow the dominant operating sytsem and the dominant Office suite to be in control of a single entity? Does the government truly expect Microsoft's behavior to change, despite highly questionable actions it continues to take to this day, throughout the trial? Has there be any thought given to Microsoft's .NET strategy of market domination? Will Microsoft ever convert Internet Explorer to a fee-based, distributed software model, forcing users to pay a browser fee to surf the net? If so, will

users have the option of chosing Netscape or Opera without losing core Windows functionality? Will Microsoft migrate any of the operating system's core functionality to a fee-based, distributed model, forcing users to pay fees even if they chose competitors'' products? With the direction the company is already taking with Windows XP and .NET, the answer to those questions is clear. Thank you for your time.

MTC–00025528

From: Richard Madril
To: Microsoft ATR
Date: 1/25/02 9:28pm
Subject: Microsoft Settlement

Mr. Ashcroft:

Attached are my comments on the Microsoft case. Before you make a decision on this case, please remember all the good things this company has done for our country. It is indirectly responsible for the success of many other companies. Mr. Gates is very generous with his money by helping others as well. Microsoft is responsible for the technological revolution that we have had in the past few years. The government needs to leave them alone.

Sara Smith
993 Athens Road
Crawford, GA 30630
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think it is irresponsible of the government to make such a tremendous fuss about Microsoft. I do not believe the government has any right to interfere in business. Microsoft has been the means by which a great portion of the country has benefited. Bill Gates has done about as much for the country as anyone else. Microsoft is not an oppressive corporation. Because of the advances Microsoft has made, you do not have to be an expert to use a computer. Now, not only has suit been brought against Microsoft, but also there are those who are not satisfied with the settlement that has been reached and are seeking not to serve justice in the matter, but to cripple Microsoft.

Microsoft does not need to be crippled. The settlement that was reached last November is perfectly reasonable. It prevents future antitrust violations and allows competition within the technology industry to return to normal. Microsoft has agreed, for example, to refrain from taking retaliatory action against anyone who introduces a product into the market that directly competes with Microsoft software. Microsoft has also agreed to reformat future versions on Windows so that non-Microsoft software will be supported by the Windows operating system. This will not only allow its competitors the ability to introduce their own software into Windows, it will also enable computer makers to use Windows as a platform to market their own product.

I do not believe it is in the best interest of the public to continue litigation against the Microsoft Corporation. Microsoft has done nothing that would harm the consumer. I urge you to support the settlement and allow Microsoft to move on.

Sincerely,
Sara Smith

MTC–00025529

From: Jon Grizzle
To: Microsoft ATR
Date: 1/25/02 9:30pm
Subject: Microsoft Settlement

I am a Senior Electrical Engineer who thank that Microsoft has developed a better product than AOL's Netscape browser. I have used the MSN browser and find it very friendly and comprehensive. When I complain to Microsoft Support at mailto:Msupport@microsoft.com they respond to try and help or fix their browser. I pay Verizon $19.95 per month for providing my dial up service. However, I use the MSN browser and Microsoft's Outlook Express. Also, Microsoft Word, Excel, Access, Visual Basic, Power Point, Photo Draw, and other Microsoft applications. I like them all because they have been designed to work together and are reasonably priced. My son and Mom & Dad like that MSN Messenger allows us to save long distance cost to talk daily free. I thank it is a shame having to pay for monthly utility bills when some are for duplicate services. We pay for Internet across the telephone lines, talking over those same lines and talking on a cell phone uses those same lines again. Consequently, we get three different bills every month for those same phone line coming to our home. Soon those same lines will provide TV and many other signals. Homeowners get so many different bills, I'm thinking about a total disconnect.

Back to Microsoft. I like Microsoft and have always thought Bill Gates is an angle when compared to Ken Lay of Enron. If the US Government has nothing better to do and more money than brains spend government time and money bring to court the real crooks like the Lays & Andersons of the world. Clean up our elections, and outlaw soft money. Tell AOL to quit spending money on lawyers and spend their money on R & D. Even if Microsoft lost I would still use their products. I would become a stronger believer in Microsoft.

Regards,
Jon Grizzle

MTC–00025530

From: garyshade
To: Microsoft ATR
Date: 1/25/02 9:28pm
Subject: Microsoft Settlement

Hello,

The settlement offered by the Bush administration and some states was not in the public interest. The antitrust case involved abuse of monopoly power by releasing the Windows operating system with the Internet Explorer browser embedded into the operating system.

The remedies offered by the Bush administration do not address the nature of the case, and would only serve to further reduce competition in the schools, one of the last remaining venues where competing software can still be found.

Any sound remedy should separate the Internet Explorer browser from the operating system. The remaining states that refuse to settle stress this point.

Each time the government allows Microsoft to release another version of Windows with the Internet Explorer browser embedded into the operating system, the monopoly path is entrenched further.

Make the remedy be an actual remedy to the facts of the case.

Sincerely,
Gary Shade
US Citizen and software consumer

MTC–00025531

From: Gregg Christman
To: Microsoft ATR
Date: 1/25/02 9:31pm
Subject: Microsoft Settlement

Dear DOJ:

The settlement is extremely fair allowing over a billion dollars of computers and free software to low income schools.

Secondly, I would like to make a very important point to the DOJ that seems to exist in LALA land. Microsoft is a business that creates products that must be sold to generate profits that in turn pays taxes to the Government. No company that exists today or in the future is guaranteed success it is not automatic and it is earned, so the notion by the by the Federal Government and Microsoft competitors (that want to hide behind the courts rather than compete in the markets) that Microsoft is a monopoly are wrong. Microsoft must go out and compete everyday to win customers by the features and benefits of their products. Microsoft is not forcing anyone to purchase their software consumers have a choice.

Finally, I would like to make one more point regarding the Civil lawsuit by AOL against Microsoft this week. AOL doesn't have a leg to stand on regarding their Netscape and Microsoft's Explorer browser. AOL acquired Netscape during the intial law suit and bundled Netscape with AOL just as Microsoft had already done and they are creating a law suit over a mute point. It is called competition and they copied Microsoft's business model and because Microsoft had already bundled their browser before AOL'a acquisition of Netscape AOL is suing Microsoft. The AOL lawsuit is absolutely ridiculous and completely unfounded.

Gregg Christman
greggchristman@earthlink.net

MTC–00025532

From: Milorad Golubovich
To: Microsoft ATR
Date: 1/25/02 9:33pm
Subject: opinion

By being design, project and engineering manager for over forty years, I knew that creativity and innovation in the work was always rewarded.

If competitors of Microsoft are incapable to be creative and develop new product, we should not penalize the Microsoft engineers but on the contrary encourage them in their efforts for innovation. Only trough the progress in technology we can expect the progress in everyday life and preserve our nation technical leadership in the world.

—Milotad Golubovich

—milgol@earthlink.net

—EarthLink: The #1 provider of the Real Internet.

MTC–00025533

From: John Roth
To: Microsoft ATR
Date: 1/25/02 9:33pm
Subject: Microsoft Settlement
No to Microsoft!!!!
John Roth
jroth1@gte.net

MTC–00025534

From: Gordon McKay
To: Microsoft ATR
Date: 1/25/02 9:35pm
Subject: Microsoft settlement
I'm taking this time to urge you to accept this agreement with Microsoft as my wife and I both consider it to be the most equitable and fairest way to setttle this Antitrust suit.
Sincerely Yours
Gordon C. McKay

MTC–00025535

From: J lowe
To: Microsoft ATR
Date: 1/25/02 9:36pm
Subject: Microsoft Settlement
Judge Kollar-Kotally,
I'm a concerned citizen who believes Microsoft is being let off easy after amassing billions of dollars of illegal profits. Every court has ruled that Microsoft violated anti-trust laws, but the proposed final judgment falls far short of punishing Microsoft adequately. Not only does Microsoft retain its ill-gotten profits, but there's no protection in the settlement from future anti-trust violations. Microsoft's distribution of its products to schools is nothing more than an expansion of the company's monopoly. I urge you to rule against the proposed settlement.
Respectfully submitted,
Jhana Lowe
1040 Edgebrook Lane
Glencoe, IL 60022

MTC–00025536

From: JR
To: Microsoft ATR
Date: 1/25/02 9:37pm
Subject: Microsoft Settlement
Microsoft, through it's monopolistic policies has stifled innovation leaving consumers with technology that is years behind where it would otherwise be. While I applaud the governments efforts to correct this situation the proposed settlement will do little to correct the situation.

The terms of the agreement are too specific and will do nothing more than slightly change the manner in which Microsoft bullies the industry. Any settlement agreed on by the government should be more than a slap on the wrist. Microsoft has been found guilty of engaging in monopolistic practices and should be punished accordingly. More importantly they should be stopped from restricting innovation. Microsoft is becoming the only software company in America. This will ultimately hurt this country as other nations seek alternatives to Microsoft products and ultimately become the ones innovating new technologies.
Thank you,
John Rodriguez
Software Engineer

MTC–00025537

From: telasha@qwest.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:38pm
Subject: Microsoft antitrust case
January 25, 2002
To Whom it may concern:
I don't agree.
I don't agree with the DOJ's proposed settlement with Microsoft. As a physician and consumer of computer hardware/software solutions, I have found numerous situations in which the behavior of Microsoft impaired my ability to build cost effective solutions to the need for computerization of my medical practice. While part of the government wants HIPAA compliance miracles, the DOJ apparently believes that criminal behavior in Bellvue, Washington is exempt from punishment. Yes, criminal behavior, as there appears to be no dispute that the antitrust laws were violated. How will the proposed settlement repair that damage i.e. ''make me whole''. The trivial interventions will not bring back the competitors that would have provided me with a wide range of tools. Nor will it provide the kind of level playing field that would allow new competitors to flourish. Shame upon the lawyers who tout this as good work. If I were to lower my standards of practice to that degree, the DEA would not renew my narcotic license, I would be barred from Medicare and Medicaid practice and the state Board of Medical Examiners would start proceedings to pule my license to practice. Yes, I am angry. I am mad as (deleted).
Sincerely,
David P. Telasha, MD
10330 SE 32ND AVE
SUITE 320
MILWAUKIE, OR 97222–6519
Voice: (503) 659–3960
Fax: (503) 659–6607
Web: NWOBGYN.COM

MTC–00025538

From: Edwin S Oxner
To: Microsoft ATR
Date: 1/25/02 9:39pm
Subject: Microsoft Settlement
Gentlemen,
It's time to stop this foolishness. Why punish successful businesses? If a competitor isn't competing, let him die. What you're doing to Microsoft is ridiculous. Why not punish WalMart and target for putting K-Mart into bankruptcy? What's the difference? Or is it that K-Mart management hasn't asked you? Why is it that you love capital but hate capitalism?
Regards,
Edwin S. Oxner
Manchaca TX 78652

MTC–00025540

From: Bill Barney
To: Microsoft ATR
Date: 1/25/02 9:49pm
Subject: Microsoft Settlement
The proposed settlement is a very bad idea. This settlement practically rewards Microsoft instead of punishing them for committing the acts they did and does nothing to make sure they they cannot and will not commit these acts in the future. The fact that such a proposal is even being considered by the DOJ only further erodes my belief that the DOJ is actually interested in justice and not just political maneuvering.
Thank you,
Bill Barney

MTC–00025541

From: Todd Warner
To: Microsoft ATR
Date: 1/25/02 9:44pm
Subject: Microsoft Settlement
My comments will be brief:
Microsoft is guilty of abuse of monopolistic power. Central to this abuse, as with all anti-trust cases, is the practice of building unreasonable competitive barriers for entry into the market. The proposed settlement being fought by ''the nine states'' is fraught with bad judgement and simply extends Microsofts monopology, and more importantly, raises, ever higher, that barrier for entry by Micosofts competitors.

My solution? Good question. I don't have the answer. Probably something along the lines of Microsoft being forced to disclose all API's of all its software. That is not unreasonable and will allow other to compete on, at least somewhat competitive footing. Another possible, or additional, solution: open-source all Micosoft code. (a) the world would know for sure, how secure Microsofts code truly is, (b) competitors would be able to fully harness Microsofts APIs, and (c) a lot of intellectual property openly visible would stimulate inovation across the industry. Closed-source leads to less innovation.
/odd Warner—<taw@pobox.com>
Tank Commander—NC Army National Guard Software Engineer

MTC–00025542

From: floyd fisher
To: Microsoft ATR
Date: 1/25/02 9:45pm
Subject: Microsoft Settlement
The proposed settlement is nothing more than a chance for Microsoft to get a good PR spin out of their predicament. It totally goes against the idea of paying for your crimes you have committed. Intel was forced to liscense out their chip technology, why can't Microsoft be forced to allow other companies to publish and sell their own versions of Windows? That would make better sense.
IMHO.

MTC–00025543

From: Fred E Bird
To: Microsoft ATR
Date: 1/25/02 9:47pm
Subject: Microsoft settlement
We believe the proposed Microsoft settlement offers a reasonable compromise. Please do not litigate it further!!
Two interested Seniors,
Fred and Edna Lee Bird
4270-B Lewis Ave.
Penney Farms, Florida 32079

MTC–00025544

From: Richard W Carr
To: Microsoft ATR
Date: 1/25/02 9:46pm
Subject: Microsoft settlement

Isn't it about time that these 9 states folded their tents, and stop doling out tax payers money to support a ''few whiners'' who can't stand up to any competition .–.–. That includes Netscape.–.–.– Again, if they want a bigger piece of the market, let them get out and do something radically different to improve over Microsoft's software.–.–.–. Also, maybe they just don't have a dynamic marketing organization.–.–.– Let's end it now.

Dick Carr

MTC–00025545

From: charles e chapman
To: Microsoft ATR
Date: 1/25/02 9:47pm
Subject: Microsoft Settlement

Please settle this case and allow microsoft to continue making my life better. I have been retired for over 20 years and am very appreciative of Microsoft and what they have done to make computers more friendly.

Charles Chapman

MTC–00025546

From: rscarlet@TheWorld.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:51pm
Subject: Microsoft Settlement
To: DOJ re Microsoft Settlement

Dear DOJ,

I am deeply distressed that the DOJ, in its proposed antitrust settlement with Microsoft, has abandoned any pretense of ending or controlling Microsoft's abusive monopoly. In particular:

BUNDLING—NOT ADDRESSED—PART I.

I recently purchased a new computer with Windows. I was forced by Microsoft's monopoly to purchase Windows bundled with many other programs I did not need, as I already had these programs (including Web browser, CD writing program, multimedia playing program, etc.). Microsoft's spectacular monopoly-controlled profit margins on Windows make it abundantly clear that the cost of including such extra functions is covered by the charges that I and others pay for Windows. Yet, despite ample legal precedent for controlling such bundling, DOJ makes no attempt to do so. Please note that I also own a Macintosh computer, allowing me to avoid some such charges, but I use computers for my consulting business and I am totally forced by the monopoly to also own a Windows computer. Hence I am forced by the monopoly to pay for whatever bundled extras Microsoft chooses to include.

BUNDLING and ANTICOMPETITIVE PRICING—NOT ADDRESSED—PART II.

By placing no restrictions on bundling, DOJ acknowledges Microsoft's right to destroy any competitor at all. As DOJ knows, a competitor that is perceived as threatening can be wiped out by Microsoft's inclusion of its own competitive software in Windows and Microsoft's forcing of the customers to buy Microsofts version, and/or by Microsoft's use of its monopoly driven wealth to underprice competing products. It is an insult to the public that DOJ has essentially decided to overturn anti-monopoly laws by allowing such business behavior.

ANTICOMPETITIVE BUSINESS STRUCTURE

Microsoft's monopoly includes office software as well as Windows. Microsoft clearly plans its office software strategy to enforce its overall monopoly, even if the office strategy does not otherwise make business sense. It is obvious that a separate office software business plan would by now include a version of Office for Linux, but since Microsoft sees Linux as a competitor to Windows it is happy to otherwise damage its office software potential in order to protect its monopoly. DOJ, by making no attempt to control this behavior (which would probably require splitting Microsoft), is allowing illegal anticompetitive behavior.

SPECIFIC DEFECTS IN THE TOO-LIMITED PROPOSED REMEDY

In section III.C.1 and elsewhere the remedy states: ''.–.–. 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 .–.–.''

This exclusion says that Microsoft, at its own discretion, may take monopoly ownership of any software functionality it chooses. It can do this trivially and without restriction by including all reasonable access methods to the functionality in its Windows documentation. Any Windows user knows there are often many methods to reach the same functionality. Microsoft can list, and hence reserve to itself, all reasonable access methods and make it too confusing or complex to users to reach the functionality provided by a different vendor. Microsoft is making a complete fool of DOJ by slipping in this exception.

Section III.H.2 is greviously, egregioiusly, outrageously (I could go on .–.–.) defective. This section turns the Internet over to Microsoft. It says that Microsoft can implement its own non-standard Internet protocols, accessible only by Microsoft's Windows software, and make the non-standard protocols look ''standard'' to the Windows (only) user by having Microsoft's software jump in if the customer has been so independent as to dare to use software, even on Windows, from another vendor. Again Microsoft is making a fool of DOJ with this exception. Without this exception, Microsoft's non-standard protocols would be awkward and have difficulty in the marketplace, but this allows them to leverage their monopoly without restriction to force these on the public. If this holds, then 10 years from now as the pundits ask, ''How did Microsoft gain control of the Internet?'' they will look to DOJ's approval of this exception as the cause! With great disappointment in your anti-public, contrary-to-law, settlement proposal.

Richard Scarlet
rscarlet@theworld.com
Massachusetts

(Small business owner, not in the computer or software business except as an end user.)

MTC–00025547

From: Harvey Lange
To: Microsoft ATR
Date: 1/25/02 9:54pm
Subject: Microsoft Settlement
Hash: SHA1

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs. 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.

Have you looked to see what operating systems choices are offered from DELL or Gateway? It does not matter if you are purchasing a new or a refurbished PC, your selection for an operating system is limited to Microsoft Windows 2000/ME/XP. You cannot even order one of these systems without an Operating System. If you buy a system from one of these two vendors, then you must also purchase a Microsoft Operating System to go with it. Even if your old system is crashed and you just want to replace it and install the software (with license) you already have, you can't. Why, because they have to and can only ship Windows.

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 cannot purchase a ''Home Brew'' PC from most local computer stores with a Windows Operating System installed even if I have an original license and CD. When asked why, I get various reasons like ''we don't think your license is real'', or ''we can only install Windows if we sell you the license'', and in one case they admitted ''we don't want to risk being sued by Microsoft''. It is much safer to sell PCs without operating systems and avoid legal hassles because they cannot afford the legal fees. The government appears to be protecting the big corporations and not the small businesses.

Thank you.
Harvey Lange
Toney, AL

MTC–00025548

From: DALLIN4492@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:54pm
Subject: Microsoft Settlement

To Whom it May Concern,

In light of the recent events concerning Enron, can the DOJ move beyond this rediculous anti-trust suit against Microsoft? Enough is enough. It seems Americans are penalized no matter what they do in an effort to save money for their futures. Not only do we have to struggle to make ends meet with exorbitant medical costs for health coverage, but we also must be penalized by watching our investments deteriorate because the government has decided to spend years trying to prove something—what exactly, no one is sure, not even the DOJ. One judge thinks Microsoft and Bill Gates are the Hitlers of the business world; the other judge tells the two sides the thing can be resolved out of court.

Meanwhile, dishonesty commited by a behemoth energy company on a scale seldom seen in recent times, has gone on, unnoticed

by the DOJ, because? ? ? ? ? ? ? Why ? ? ? ? ? ? ? ?

Please, end this fruitless pursuit and let Americans enjoy their computers, their investments, and regain a sense of confidence in ''just for all.''

Linette Widen

MTC–00025549

From: Beth DeHaven
To: Microsoft ATR
Date: 1/25/02 9:56pm
Subject: Microsoft Settlement

I have worked in this industry for 25 years. Anyone that believes Microsoft has harmed the consumer has got to be kidding. Microsoft has driven the cost of computing down to the point that those of us trying to sell technology solutions can barely make a living. It has been GREAT for the consumer. I only wish Microsoft would enter the furniture or clothing markets. Maybe then those goods would operate on a more reasonable profit model. I believe that the DOJ case in great part is the result of a bunch of competitors that can't figure out a better way to try to improve their market position. Consumers will decide if they don't want to do business with a particular company. Get it out of the courts. This case needs to be behind us. Settle it in a fair manner and then maybe my technology stock portfolio will start to improve. This case is like a dark cloud over the entire tech industry.

MTC–00025550

From: Ken Howells
To: Microsoft ATR
Date: 1/25/02 9:57pm
Subject: Microsoft Settlement

Sirs,

Allowing Microsoft to put more of their systems into schools, where students will only get more used to Microsoft systems and less exposure to alternatives, such as Linux, which I use extensively, is not a punishment for their monopolistic practices at all—it is a reward.

Please find a way to actually disciplin Microsoft for their breach of ethics, and also find ways to force them to allow realistic competition. The fact that computer viruses which only affect Microsoft systems sweep through the internet more and more often, crippling many businesses for hours or days, shows undeniably the folly of having too much of the economic infrastructure relying on one system. Genetic diversity is a powerful defensive weapon in the biological world. Operating system diversity would serve as a similar defense in the digital world.

Best Regards,
Ken Howells
Crestline, CA
CC:ken@willswing.com@inetgw

MTC–00025551

From: clwnm@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:55pm
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,
chris weiss
pobox 142
sandia park, NM 87047

MTC–00025552

From: Samuel S. Lung
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: Microsoft settlement

To Whom It May Concern

I am writing to state my point of view on the Microsoft settlement case. When technology is developing at such a speedy pace, holding back a leader for years will hurt the competitive edge of US companies in the world market place.

The other countries subsidize their companies to compete internationally while the US suppress their own. Foreign countries will not hold back but join in the kill of America's best. To improve our sick economy we need to help US companies to compete in the world marketplace. Some European countries are joining in the lawsuit against Microsoft and this really hurts to hear this kind of news.

The lawsuit has been dragged on long enough, for the sake of the US economy and the unemployed, I recommend the Department of Justice to settle the case with Microsoft.

This will have a bigger effect on the economy than the numerous rate reductions by the Federal Reserve.

Best regards,
Samuel Lung

MTC–00025553

From: ELLIOTT F CHARD
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: MICROSOFT SETTLEMENT

I urge that the JUSTICE DEPARTMENT to accept without further litigation, the proposed compromise settlement being considered. Further litigation would only feather the nests of Microsofts competitors, the Attorneys involved, Lobbyists, and those who would further punish Microsoft. I feel any further action would be detrimental to Seniors like myself in the use of our home computers.

Sincerely
Elliott F. Chard
CC:LeroyRip@aol.com@ inetgw,cristina_ling@hotmail.com@...

MTC–00025554

From: Francis Ketner
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft case

We recommend that the proposed compromised settlement of the microsoft case be approved. This will provide many opportunities for seniors to have the privilege of using the internet. We have webtv.net and are able to communicate with our family and friends across North America as well as any place in the world. Also, many helps for health and life information are very helpful. We can be connected with the whole new world.

Thank you in advance for your consideration.

F,D.Ketner

MTC–00025555

From: MrMacman23@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft Settlement

It is wrong for Microsoft or any other company infringe on laws with they have broken many many time. please send a message to Microsoft that breaking the law

MTC–00025556

From: Stephen Granadosin
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft Settlement
Stephen Granadosin
16230 NE 99th Street
Redmond, WA 98052
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for too long now, and it is time to put an end to it. Now that a settlement is available, I think the government should accept it. Competitors think that Microsoft has gotten off easy, but this is simply not true. The settlement was reached after extensive negotiation with a court-appointed mediator, and Microsoft actually agreed to terms that extend to products and procedures that were not even mentioned in the suit. To assure Microsoft's compliance with the terms of the settlement, a technical committee will be set up to monitor Microsoft. The terms of the settlement are fair, and a structure has been created to assure that Microsoft follows the new rules.

Microsoft and the technology industry need to move forward, but in order to move forward this issue needs to be put in the past. Please support the Microsoft antitrust settlement. Thank you.

Sincerely,
Stephen Granadosin

MTC–00025557

From: sundrise51@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:57pm
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,
Greg Sundt
4201 Hedgewood Dr.
Bloomington, IN 47403

MTC–00025558

From: Jim Bond
To: Microsoft ATR
Date: 1/25/02 10:00pm
Subject: Microsoft Settlement

From Washington State. I say that the government is not doing anything near what they should be doing to stop Microsoft's terrible ''business'' practices.

MTC–00025560

From: Lundebrek
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: Microsoft Settlement

I am a student and a developer of website targeted design and content creations. I feel that Microsoft Corporation has consistently proven itself to be a cruel and anti-competitive corporation, and that the proposed settlement will not substantially prevent them from continuing their current business practices.

Dustin Lundebrek
Morris, Minnesota

MTC–00025561

From: Dane Jackson
To: Microsoft ATR
Date: 1/25/02 10:04pm
Subject: Microsoft Settlement

Do we really need another toothless consent decree? In fact that would be bad enough, but the current settlement is actively harmful. It basically legitimizes many harmful practices of Microsoft. One of my personal favorites would have to be the part of the settlement that allows Microsoft to exclude documentation of anything relating to security (which any security expert will tell you is the exact wrong way to go about security [1]). With Microsofts recent announcement that they are now (after 20 years) finally really focusing on security, they can now exclude anything they want by claiming ''it's for security''. Am I mistaken? I thought Microsoft was found to be a monopoly that has abused it's power. The punishment for actions has nothing to do with how much time has passed, or whether the market is the same or different. The remedy needs to contain effective measures that will allow competition to re-emerge in the computer software market. [2] I think there are many things that could be done to help re-establish competition and innovation.

Quoting from Dennis Powell (dennispowell@earthlink.net) in his article ''Speak Now or Ever After . . . Regret Your Silence''

A just penalty, I continue, would at barest minimum include three additional features:

* 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. 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.

In addition to these I feel that Microsoft should not be allowed to buy other companies or technologies from other companies. Microsoft very loudly proclaims to have to innovated extensively, and yet when you look, nearly every successful recent product has been bought from somewhere else. Let them compete against other companies on a fair level. Microsoft should be fined their cash reserves. No other company keeps such a large cash reserve. It would seem this is partly a tax advoidance mechanism[3], and partly to have a lot of cash on hand to facilitate take-over of other industries of companies. [4] Why should a criminal be allowed to keep their ill gotten gains?

[1] It is called ''security through obscurity''. Most security experts refer to it as this with derision.

[2] I remember a time when I had a choice in office suites. A time when I could buy an x86 computer without a Microsoft OS on it.

[3] The income from dividends is taxed differently than income from stock gains. http://www.cptech.org/ms/rn2bg20020104dividend.html

[4] For an example of this, see Microsoft's selling of the X-Box at a loss to break into the game console market. Why can they do this? Because they have huge cash reserves from their illegal actions.

Dane Jackson—B.Sc. Computer Engineering

Profanity is the one language all programmers know best.

MTC–00025562

From: BWhitehurs@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:05pm
Subject: Microsoft Settlement
Bobby L. Whitehurst
2803 Creek Bend Court
McKinney, Texas 75070
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylnania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I want to give my support to the settlement that was reached in November between Microsoft and the Department of Justice. After three years of litigation, it is time to wrap this up and move forward in the interest of our economy.

The settlement's provisions clearly show that Microsoft did not get off easy, and in fact, made many concessions. Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This gives consumers the freedom to easily add or remove access to features built in to Windows or to non-Microsoft software. In addition, Microsoft's compliance will be monitored by a three-member Technical Committee to be created by the settlement.

Our economy is hurting right now and continuing this litigation will only add roadblocks to a future recovery. Microsoft is too critical to the business community and the economy to hamper their technological innovation any longer. So I urge you to take no further action on the federal level.

Sincerely,
Bobby Whitehurst
cc:Representative Dick Armey
CC:BWhitehurs@aol.com@inetgw

MTC–00025563

From: James Wood
To: Microsoft Settlement
Date: 1/25/02 10:01pm
Subject: Microsoft Settlement
James Wood
240 Oak Tree Ave
Salem, IL 62881–3550
January 25, 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.

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,
James R. Wood

MTC–00025564

From: Andrew Shafer
To: Microsoft ATR
Date: 1/25/02 10:07pm
Subject: Microsoft Settlement

I wish to state to you my comments on the current Microsoft court settlement.

Punishing corporations for being too successful is counter-productive and discourages individuals from innovating and creating. It casts a long, dubious shadow on the software industry that says, ''Succeed, but don't work too hard, that will cause trouble.'' I urge you to pass the anti-trust settlement in an effort to help all parties involved. A quick, fair ending will ensure continued innovation in the software industry and stimulate economic growth through sales in new markets.

Sincerely,
Andrew Shafer
46867 265th St.
Sioux Falls, SD 57106–7040
shaferandrew@prodigy.net

MTC–00025565

From: BOBA28@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:06pm
Subject: Microsoft Suit

I have written to you before on this issue and I support the proposed settlement that has been reached with the DOJ and half of the states. You should close this case out by supporting this settlement. AOL has now muddied the water. The term ''cry baby'' comes to mind when I look at what they are trying to do. AOL needs to receive two messages. ''Do good in the market place and you will be rewarded'' and ''The courts should not bail you out if you fail in the market place.'' AOL needs to receive both of these messages loud and clear. I am thinking of changing from AOL as my ISP. Please, let Microsoft get on with the business of providing quality products at ever decreasing prices to the consuming public. I have no strong relationship with either MS or AOL. I probably own some of each stock in index funds.

Very truly yours,
Bob Andrews
1864 Castle Oaks Court
Walnut Creek, CA 94595–2358
925–933–6569
925–933–8991 (Fax)

MTC–00025566

From: Pat Ivie
To: Microsoft ATR
Date: 1/25/02 10:11pm
Subject: suit/antitrust

Enough if enough. It is time to stop hounding Microsoft because they are successful in marketing their products. Why should we subsidize those who cannot compete? Patricia S. Ivie

MTC–00025567

From: timalvaro@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:07pm
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,
Timothy Alvaro
902 E Sixth St
Royal Oak, MI 48067–2818

MTC–00025568

From: Nancy S. Goroff
To: Microsoft ATR
Date: 1/25/02 10:02pm
Subject: Microsoft Settlement

I am writing to express my concern at the proposed settlement of the Microsoft vs. U.S. antitrust case. The court has found that Microsoft illegally used its monopoly power, yet the settlement as it stands provides litte assurance that Microsoft will end this behavior. In fact, predatory monopoly bullying is the norm for Microsoft. The settlement needs to have significant muscle behind it to get Microsoft to change its corporate strategy and culture. As written, the settlement lacks an effective enforcement mechanism.

In addition, the wording of the settlement is overly narrow, making it easy for Microsoft to claim that next year's products are outside the scope of the agreement. Terms such as ''API'' and ''middleware'' are defined in limited ways that do not apply to all current Microsoft products. Also, Microsoft is supposedly required to provide information to possible competitors, but only in limited form, and at times late in the product development cycle.

In short, the settlement is full of loopholes, and even then it is not easily enforced. Consumers like me need more protection from anticompetitive behaviour. The settlement should be rejected in favor of something better.

Sincerely yours,
Nancy Goroff Whitney
Setauket, NY 11733

MTC–00025569

From: bpfeeney@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:09pm
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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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Feeney
12611 Rose Ave.
Los Angeles, CA 90066–1519

MTC–00025570

From: Christa Kocher
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: microsoft settlement

To whom it may concern,

Please do not settle with Microsoft. The current settlement is unacceptable becuase a majority of schools use Macintosh computers, for which the current settlement would be worthless.

Microsoft is a trust to the true definition of the word. You cannot buy a PC computer that does not have windows and the inherent internet explorer already installed on it. Please. We must put a stop to these deplorable business practices.

Sincerely,
Christa M. Gruber

MTC–00025571

From: Jeff Mao
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: Microsoft Settlement

I would like to say that allowing MS to give money and/or equipment to the educational system without restrictions simply furthers their dominance in the market. In addition, as a professional educator who is in charge of integrating technology into education, MS products are rarely my first choice. Everyone knows that the total cost of ownership for a windows PC is far higher than for a Macintosh computer. If computers are thrust upon a school without prior planning and an installed support structure will only waste time and money. The computers wil probably collect dust as the schools in greatest need will not have the funds to support the computers or train their faculty.

I think MS should pay out, but perhaps placing that money into a fund similar to the E-rate funds. Those fund then can be given out to schools that need it after they have shown both need and a plan to use it. Allow them to spend it on anything technological in the same way E-rate is used for anything related to telecommunications. Further, 1 Billion dollars seems to be too small an amount for a company like Microsoft. If my company made as much money as Microsoft, then having to pay out 1 Billion dollars wouldn't bother me. It would just be part of the cost of doing business, but it would not change my practices. Bill Gates and his wife alone gave over 20 Billion dollars away last year in charity,...so what do you think 1 Billion dollars for the entire corporation is going to do? Nothing! Increase the fine to something significant so that the company will think again about how they do business. A mere slap on the hand will change nothing. And put the money into a fund that is managed by an outside group, perhaps the government,...perhaps, to ease the cost of administration, simply make them put Billions of dollars into the E-Rate fund. There is already an established structure so it wouldn't add any work or labor or cost,...but it would allow those schools that really need the funding to get it. Perhaps it would allow more schools in need to be able to pay for internal wiring and connectivity. It would allow them to reallocate their own funds to purchase the computers and software, the training and support,...and leave the wires, connectivity etc to the E-Rate.

Thanks for listening,
Jeff Mao
Technology Coordinator
Allendale Columbia School
519 Allens Creek Road
Rochester, NY 14618
585–381–4560 x262
585–383–1191 FAX
jmao@allendalecolumbia.org

MTC–00025572

From: Andrew Anchev
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft DOJ settlement

I would like to voice my support for the DOJs settlement with Microsoft. I would like to state for the record that I am no nor never have been employed by Microsoft or any of it's contractors, nor do I hold stock in the company or have any other vested financial interest. I have been in the technology industry as a consumer for the last 12 years, and I believe that Microsoft should not be hindered in their attempts to constantly improve and add new abilities to their products. If we begin to apply limitations on what Microsoft can add into their operating system, then we should place the same restrictions on all other operating system vendors.

Sincerely,
Andrew Anchev
San Jose, Ca.

MTC–00025573

From: whalemeat@shaw.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 10:15pm
Subject: Microsoft Settlement

I have read the text of the proposed settlement, as well as various opinions and analyses appearing in the on-line press, and I believe the proposal as it exists is very, very weak. Weak to the point of irrelevance, even. Where is the penalty? What price must Microsoft pay for having broken the law? There is nothing here that is going to prevent or even discourage MS from continuing to bully their own customers. There is nothing here that is going to substantially alter the relationship between MS and their competitors. History has shown that once MS decides to integrate a piece of software into Windows, the competition quickly vanishes. How can anybody compete against something that is being given away? If there is to be a thriving, innovative, competitive software industry MS must be prevented from stealing their competitors customers in this way. The only real, effective, long-term solution I can see is to break the company up. To attempt to police MS in the long term is simply not practical. The bureaucracy that would have to be created to do this effectively would be enormous.

I am extremely dissapointed in the DoJ. I feel they have sold us out, and I hope the Judge sees it too.

M Hale
average computer user

MTC–00025574

From: beasleyd@ptsi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:13pm
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,
David Beasley
Rt 1 Box 29a
Beaver, OK 73932

MTC–00025575

From: lydic@penn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Helen Lydic
264 Haskell Rd.
Coudersport, PA 16915–7945

MTC–00025576

From: Annechas611@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Obermeyer
611 The Cape Blvd.
Wilmington, NC 28412–3422

MTC–00025577

From: Allen Austin
To: Microsoft ATR
Date: 1/25/02 10:07pm
Subject: microsft settlement
Sir,
The attached letter best states my view on the recent events in the courts concerning the operating practices of Microsoft.

MTC–00025577—0001

Allen Austin
5301 Plomondon Street, Apt. E20
Vancouver, WA 98661–8501
January22,2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I support the Microsoft antitrust settlement reached by your Department, nine states, and Microsoft with the help of a court-appointed mediator. I agree with the 32 states that decided that this suit should never have been brought in the first place. More than anything else, the suit seems driven by of envy and jealousy of Bill Gates, his success, his widely used innovations, his billions of dollars, and his millions of happy customers.
I am one of those happy customers. I have freely chosen Microsoft products because I really like the ease of use and increased functionality I have seen from using them. I use Microsoft Windows, Microsoft Internet Explorer, and Microsoft Works. With Works I have made templates for my repetitive tasks, and designed my own checkbook program, which, thanks to the Microsoft software, has perfect arithmetic.
The settlement will make easier for Microsoft's competitors to integrate their products into Windows, by giving them information about Windows interfaces and server protocols, and making it easier to add or delete the programs and features Microsoft includes in Windows, such as Internet Explorer—which is my browser of choice. Everyone should have freedom—freedom of choice and freedom to innovate.
Your support for the settlement is crucial. America will benefit from the resulting increased cooperation and innovation within the American computer industry. Thank you for your support. And as a member of the public, thank you for your consideration of my comments.
Sincerely,
Allen Austin

MTC–00025577—0002

MTC–00025578

From: ROMROMT35@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 10:13pm
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,
ROSE MARIE TAFLIN
2525 IROQUOIS CIR.
WPB, FL 33409–7216

MTC–00025579

From: efduhr1
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft Settlement
Dear Sir or Madam:
Is the Proposed Final Judgment in the public interest? There is one problem I see in the III. A. 2. provision barring retaliation toward OEMs ''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''. The instance of selling Intel-compatible PCs with only one, non-Microsoft, operating system is not considered; it appears Microsoft could retaliate against OEMs who sold PCs equipped this way. For a settlement in the public interest, let the public buy its PCs equipped with whatever operating system they desire, and without consequence to the vendors, from Microsoft, for providing them.
Now going to III. J. 2. (c), where is the consideration for entities that do not happen to be profit-oriented businesses? Striking internet examples are Apache and Perl, both widely used, both developed by non-profit organizations. Since such an organization would have to meet ''standards established by Microsoft for certifying the authenticity and viability of its business,'' Microsoft can deny licenses or access to APIs, communications protocols and documentation, as the Proposed Final Judgment is now written. I don't see that it is in the public interest to exclude the non-profits from the remedies of the PFJ.
Thank you for accepting my comments, under the provision of the Tunney Act.
Edward Duhr 25 Jan 2002
2553 Larkin Road 45
Lexington, KY 40503

MTC–00025580

From: michael—vandellos@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:17pm
Subject: Concerns regarding Microsoft Settlement
I believe it is time to move on with the business of business and stop listening to the complaints of Microsoft competitors who have failed in the marketplace. Please end this tremendous waste of money by both Federal and State Governments, as well as wasting the time, money and energy of one of the few very successful American companies that make a positive impact on the overall economy.
Thanks,
Michael Vandellos
CC:michael—vandellos@msn.com@inetgw

MTC–00025581

From: Milton Karafilis
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: microsoft settlement
It's time to accept the settlement and get the economy going again.
Milt Karafilis

MTC–00025582

From: Hanneli Turner
To: Microsoft ATR
Date: 1/25/02 10:19pm
Subject: Microsoft Settlement
ATTENTION: JUDGE COLLEEN KOLLAR-KOTELLY
Please settle the lawsuit between Microsoft Corp and the government as soon as possible. I believe it would benefit the consumer and the economy. As a tax payor, I feel that the government has wasted a lot of money on a lawsuit that should of been settled long ago. Let's do something productive with our tax money.
I'm self-employed and have been using computers since the early 80's. Computer programs were very difficult to master. Microsoft created software that has improved my productivity and my life.
I urge you to help settle the lawsuit. Thank you for listening.
Sincerely,
Bill & Hanneli Turner
CC:hturner@windermere.com@inetgw

MTC–00025583

From: King Wright
To: Microsoft ATR
Date: 1/25/02 10:18pm
Subject: Microsoft Settlement
To Whom It May Concern:
In my opinion Microsoft is doing a great service in creating a uniform platform with many convinces. Let them do what the need to do. Go Microsoft!!!
Nancy Wright

MTC–00025584

From: King Wright
To: Microsoft ATR
Date: 1/25/02 10:18pm
Subject: Microsoft Settlement.
To Whom It May Concern,
Leave Microsoft alone. They are doing a great Job!
King Wright

MTC–00025585

From: Mark Farley
To: Microsoft ATR
Date: 1/25/02 10:22pm
Subject: Microsoft Settlement
I would like to register my discontent at the light punishment proposed to be shown to Microsoft after their having been found to abuse their monopoly position. While it is not illegal to be a monopoly, it is critical to the health of the US and world economies that companies in a monopoly position are not allowed to use their unusual position anti-competitively to disrupt the invention process and ruin the possible success of competitors. Maintenance of a monopoly

position in the marketplace should only be legally held by continuing to offer superior products and services, and not through the undermining of potential competition.

I soundly reject Microsoft's argument that their behavior has been good for consumers. If you kill my neighbor, take his home, and give a dollar of what you have stolen from him to me, you cannot argue that I am better off. (This is particularly true if I needed him to help jump-start my car tomorrow.) We will never know how well Netscape and a number of other companies that have been assassinated by Microsoft may have fared on a level playing field.

Proposed settlements at the state level have ludicrously seemed to actually reward and extend the monopolistic abuse rather than give it cause to reconsider its behavior. Thank God for the wisdom of the judge who saw the proposal for what it was.

I can only hope that Microsoft is punished fairly, but very firmly, in a manner that stops cold the abuses of the past. If only a trivial price need be paid for destroying a competitor through illegal action, then no lesson is learned; Only a fair market value of extinguishing competition will have been determined. Microsoft needs to learn that the price is more than they can afford to pay next time. A cost of only a few hundred million dollars is easily passed on to customers at the next program update and the abuses will continue.

I think an amount equal to a year or two of earnings is not too little, nor too much. They will survive.

Thank you for your consideration.

Regards,

Mark Farley

1819 Alta Vista Avenue

Austin, Texas 78704

MTC–00025586

From: (060)Bradley A. Singletary(062)
To: Microsoft ATR
Date: 1/25/02 10:20pm
Subject: Microsoft Settlement

The settlement in the U.S. versus Microsoft case falls short of the mark. Microsoft must allow other companies to compete in their market. Microsoft must take responsibility for it's actions in the computer industry.

As an informed computer user/developer/researcher, I would hesitate to suggest that the U.S. government back a corporation that generates revenue by encouraging stagnation in the american software community. The settlement fails to inhibit or accurately classify Microsoft's behaviour. Therefore, do not accept the settlement as it stands.

Bradley A. Singletary

Ph.D. Student in Computer Science

Atlanta, GA

MTC–00025587

From: David and Shara Danziger
To: Microsoft ATR
Date: 1/25/02 10:20pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please grant approval to the settlement of the Microsoft suit. This is the most straightforward and fairest settlement likely to emerge from this. It is time to put this sorry episode in the past and let Microsoft and its competitors settle things in the marketplace rather than having to focus on fighting lawsuits.

Sincerely,

David Danziger; dsdanziger@yahoo.com

MTC–00025588

From: Eric Rounds
To: Microsoft ATR
Date: 1/25/02 10:21pm
Subject: Microsoft Settlement

Hello;

I want to place my public opinion with the others against Microsoft.

I believe Microsoft has monopolized the computing industry both on the personal/consumer and professional levels. I do not feel that all of their products are ''popular'' as they advertise. They buy or crush all competition, and offer poor products with unattractive and faulty interfaces. But many of use do not have another choice, because Microsoft has dominated 95% of the industry. I feel that my choices have been increasingly limited to Microsoft, or Microsoft. Not because they have a good product, they don't. It's because they are everywhere. There are other alternatives. But not as ''supported'' as Microsoft. I say ''supported'' because, again, who else has the strength in the market? I would personally like to see Microsoft broken up so that XBox, Windows, Expedia, and all the other crappy things they chuck out can compete fairly. If they each have to support there own marketing, then other competitors might have a better chance. This will give use consumers more choice, it will increase higher quality of products, and make me happy.

Thank You,

Eric Rounds

MTC–00025589

From: MORRIS KAY
To: Microsoft ATR
Date: 1/25/02 10:24pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

Enough is enough.... The proposed settlement by Microsoft, in my opinion, is not only fair, but generous....

Lets stop the bleeding by all, and accept the settlement offer. MorrisKay@Prodigy.net

MTC–00025590

From: Michael C. Thomas
To: Microsoft ATR
Date: 1/25/02 10:23pm
Subject: microsoft settlement

to Whom it may concern:

I am personally very concerned over the Microsoft settlement. It appears that the judgement allows Microsoft to continue their predatory business practices without penalty. I am concerned a verdict without significant consequences for Microsoft will allow the company to continue extinguishing innovation, and competition over a broadening swath of our culture.

-Michael Thomas

MTC–00025591

From: Jerome J Donaldson
To: Microsoft ATR
Date: 1/25/02 10:21pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is reasonable and proper and this litigation should be drawn to a close now. I also believe that any further delay will continue to have a negative effect on the economy.

I am a retired senior and much of my enjoyment is in using my computer.

Thank you,

Jerome J. Donaldson

6212 Hobart Avenue

Las Vegas, NV 89107–1326

(702) 878–9295

jpdonald@juno.com

MTC–00025592

From: Arthur J Sather
To: Microsoft ATR
Date: 1/25/02 10:22pm
Subject: Microsoft Settlement.

Dear Sirs;

It looks to me that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of it's success.

I concur with the Senior's Coalition that the proposed settlement offers a reasonable compromise that will enhance the ability of Seniors and all Americans to access the Internet and use innovative software products.

God with the settlement agreed with the Government and nine state and end this costly and damaging litigation.

This settlement will have a positive impact on the American economy and help pull us out of the recession.

Dragging out this legal battle further will only benefit a few wealthy competitors's attorneys and special interest bigwigs!

Sincerely,

Arthur J. Sather

11296 So. Clara Anita DR.

Yuma, Az. 85367

MTC–00025593

From: edgewood@mtco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:22pm
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,

Donna Rott

1000 Co. Rd. 1400 N

Henry, IL 61537–9438

MTC–00025594

From: gary lin
To: Microsoft ATR
Date: 1/25/02 10:27pm
Subject: Fwd: Microsoft Settlement

I believe that the agreement reached between Microsoft and DOJ and the nine States is good enough to close the case. We have more important things to do than trying to do a ''perfect'' job that everybody likes. The subject of safety of our society against terrorists far outweight the last penny of the settlement. We should divert this energy to better protect our freedom.

God bless America.

Gary Lin

MTC–00025595

From: edgewood@mtco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:25pm
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,
Carl Rott
1000 Co. Rd. 1400 N
Henry, IL 61537–9438

MTC–00025596

From: James R. Van Zandt
To: Microsoft ATR
Date: 1/25/02 9:10pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft Settlement.

The proposed disclosure of APIs is not enough to allow free and open competition in the development of applications and middleware. Here are four significant defects:

The disclosure is too late. If API documentation is only released at the ''last major beta test'' of a new product, then any competing product would start with a handicap of several months, which in the software industry amounts to most of a generation. There is also no assurance that Microsoft would continue to use historical patterns of beta testing. It could, for example, use a series of test versions each released to only 140,000 beta testers. None of these releases would then trigger the disclosure of the APIs.

Potentially significant exclusions. Excluded are ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. Without question, Microsoft has legitimate needs in these areas. However, it is well known in the computer security field that ''security by obscurity'' can work only temporarily. True security is based instead on open protocols and implementations that can be studied, criticized, and improved by many developers. On the other hand, Microsoft can claim that almost any API or protocol has some relevance to piracy, virus protection, authentication, etc. If necessary some authentication measures could be added to ensure this. This would give Microsoft an excuse not to disclose those APIs.

Implementation roadblocks. If someone does implement a protocol or API which Microsoft claims has anti-piracy etc. relevance, then Microsoft can require them to pay a third party to test it. Microsoft could easily use this requirement to delay and financially burden the small companies and independent programmers that have provided so many innovations in the software industry.

Excluded business areas. The agreement addresses only software for ''personal computers'', apparently permitting Microsoft to set up new monopolies in software for ''servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants'', which ''are examples of products that are not Personal Computers within the meaning of this definition''.

For these reasons among others, I believe the proposed agreement would not effectively prevent Microsoft from maintaining its monopoly in personal computer operating system software, or from setting up new monopolies in other business areas.

—James R. Van Zandt

MTC–00025597

From: John Royo
To: Microsoft ATR
Date: 1/25/02 10:29pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

Thank you for the opportunity to comment.

Since 1986 I have used the Apple Macintosh platform to perform my work.

I find that Microsoft not only stifles competition, but also limits functionality for the consumer. It's operating system, and software are flawed in code and performance. The fact of Microsoft's shear wealth only is the entity able to stop encroachment to its market share by startup's and lesser size companies who do not possess the financial resources to fight this monopoly and it's sub-prime products.

Thank you again.

Sincerely,
John Royo
John J. Royo, III
Financial Resources, Inc. / S.A. Funding Group, Ltd.
john@safunding.com
www.safunding.com
Providing capital to commercial and medical businesses.
Member: BNI (Business Network International) Bethesda Friday Breakfast Chapter
7476 Merrymaker Way, PMB 118A
Elkridge, MD 21075–6887
voice 410–379–6900
Toll Free: 877–311–6736
efax 928–447–9800 (preferred fax)
fax 410–579–4750
I reward for referrals!

MTC–00025598

From: Michael Phillips
To'' Microsoft ATR
Date'' 1/25/02 10:42pm
Subject'' Microsoft Settlement
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I work in the financial services industry. I see first-hand the economic consequences of ''world events''. One of the events that negatively affected this country's economy was the antitrust suit brought against

Microsoft. This suit was very unfair. It was a pure political decision; based on the fact Microsoft has deep pockets and failed to have a lobbying group in Washington. I think it is unfortunate that the world works this way, but Microsoft and the Department of Justice did settle. Now it is time to move on. The reason I urge you to approve this settlement is the importance of Microsoft to this country's economy. The ''economic slowdown'' we are experiencing can be partially traced to the indictment against Microsoft.

The day of the indictment, the stock markets plummeted. Sir our economy will improve, but if we can remove the dark cloud of uncertainty regarding this settlement from the picture, things will improve much faster.

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 urge you, as someone who is very knowledgeable about our economy to give your approval to the Department of Justice and Microsoft settlement. Thank you.

IF MERGEFIELD PARA4 Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.<>

Sincerely,
Michael Phillips
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I work in the financial services industry. I see first-hand the economic consequences of ''world events''. One of the events that negatively affected this country's economy was the antitrust suit brought against Microsoft. This suit was very unfair. It was a pure political decision; based on the fact Microsoft has deep pockets and failed to have a lobbying group in Washington. I think it is unfortunate that the world works this way, but Microsoft and the Department of Justice did settle. Now it is time to move on. The

reason I urge you to approve this settlement is the importance of Microsoft to this country's economy. The ''economic slowdown'' we are experiencing can be partially traced to the indictment against Microsoft. The day of the indictment, the stock markets plummeted.

Sir our economy will improve, but if we can remove the dark cloud of uncertainty regarding this settlement from the picture, things will improve much faster. I urge you, as someone who is very knowledgeable about our economy to give your approval to the Department of Justice and Microsoft settlement. Thank you.

Sincerely,

Michael Phillips

MTC–00025599

From: Alexandra Radbil
To: Microsoft ATR
Date: 1/25/02 – emsp;10:30pm
Subject: Comments on Proposed Microsoft Settlement

I am writing to express my views on the proposed Microsoft Settlement. My concerns stem from the fact that the settlement favors Microsoft and does not recognize the problems inherent in the settlement for the consumer and for the computer industry. There seems to be no recognition that the ''remedies'' do not allow for open competition and innovation, but allow Microsoft to continue to dominate the playing field.

Are there any protections for existing open source programs and operating systems such as Linux? I don't think so. Without these protections the consumers lose because there is little opportunity for healthy and innovative competition.

Thank you for the opportunity to express my thoughts on this important issue.

Alexandra Radbil
Project Director
Princeton Strategy Consultants, Inc.
103 Carnegie Center Suite 113
Princeton, NJ 08540
(609) 452—8669—Voice
(609) 452—1017—Fax

MTC–00025600

From: TMarraro@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:30pm
Subject: Microsoft Settlement

To Whom it May Concern:

Isn't it time we moved forward? Let's settle and figure out what happened at Enron please...

Tony Marraro

MTC–00025601

From: Joyce C Allenton
To: Microsoft ATR
Date: 1/25/02 10:32pm
Subject: Microsoft Settlement

This is of special public interest to end and settle this costly and damaging litigation as quickly as possible.

There is no reason to drag this situation on any longer and destroy a good thing.

JA

MTC–00025602

From: Virginia Yager
To: Microsoft ATR
Date: 1/25/02 10:36pm
Subject: Microsoft Settlement

To Whom it may concern:

I agree with the Microsoft settlement. Enough money has been spent on this law suit.

Virginia Yager

MTC–00025603

From: Beatrice Sutton
To: Microsoft ATR
Date: 1/25/02 10:40pm
Subject: Microsoft Settlement

Let's get this settled and move on. Consumer interests have been well served. It is time to end this costly and damaging litigation . Dragging out this legal battle further will benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

Beatrice Sutton; Webster, Florida
blesutton@scia.net

MTC–00025604

From: Neil Schneider
To: Microsoft ATR
Date: 1/25/02 10:40pm
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 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 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.

Neil Schneider pacneil@linuxgeek.net
http://www.paccomp.com
Key fingerprint = 67F0 E493 FCC0 0A8C 769B 8209 32D7 1DB1 8460 C47D

.. Windows XP... ''most reliable Windows ever.'' To me, this is like saying that asparagus is ''the most articulate vegetable ever.''

— Dave Barry

MTC–00025605

From: Beatrice Sutton

To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

The proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Betty Lands
blesutton@scia.net

MTC–00025606

From: John Goodnough
To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

To whom it may concern:

I am completely opposed to the governments settlement in the civil antitrust case with Microsoft. Microsoft has been a predator in the technology sector for years and has grown fat by getting away with it. When this case was filed I thought there might actually be justice in the world. But know you're just going to let them continue to abuse the systems and safeguards we put in place in this country to prevent companies like Microsoft from gaining too much control.

I can only encourage you in the strongest terms to reverse this decision and take Microsoft to task for the abuses of our capitalist system. We are not a strong country because of companies like Microsoft. On the contrary, we are strong because of the companies that Microsoft has gutted and destroyed over the years. I can only imagine where we would be if Microsoft had been prevented from stifling development by companies that dared to compete with them. We might not be struggling with a recession today if Microsoft had been stopped 10 years ago. Please take the necessary action now to prevent further damage to the system that build America in the first place. Punish Microsoft for their self serving actions.

John Goodnough
32 Hosmer Street
Acton, MA 01720
978–263–5457

MTC–00025607

From: LelaOmta@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

I'm in favor of excepting the present terms on the Microsoft & DoJ settlement & droping all this appealing. What a waste of funds & time. Lela Omta

MTC–00025608

From: Leon Moore
To: Microsoft ATR
Date: 1/25/02 10:44pm
Subject: Re: Public comments on the settlement between the DOJ and Microsoft

I would like to add a comment for your consideration in the settlement of the Microsoft case. I can say it no better than Russell Pavlicek did in his column The Open Source from InfoWorld.com, Wednesday, January 23, 2002. Let me quote that and ask only that the settlement you configure with Microsoft not reward the company for it's actions that have been deemed in Federal Court as monopolistic.

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. —

leon moore USUHS/BID 4301 jones bridge road bethesda md 20814
moore@cim.usuhs.mil 301–295–3669 (ph) 301–295–3585 (fax)

MTC–00025609

From: Eric (038) Emmi Lappoehn
To: Microsoft ATR
Date: 1/25/02 10:41pm
Subject: Microsoft Settlement

To whom it may concern. I, Eric B. Lappoehn, at 8916 Signal Terrace Dr. Las Vegas, NV. 89134 - e-mail: eelapp@lvcm.com sincerely and urgently request that you stop persecuting Microsoft. In all the litigation that has been going on for the last year or so, no one and I mean no one has asked the millions of computer users what they thought about this persecution of Microsoft. Microsoft's competitors are upset that Microsoft is giving away, for free, programs to millions of computer users that THEY want us to pay for. I am very happy to use all the programs Microsoft offers and I DO NOT need THEIR competition. If THEY produce a product that is superior to Microsoft's I will consider it. Up to this point in time I have not seen anything better offered by anyone else. Sincerely, Eric B. Lappoehn

MTC–00025610

From: jim@gemini.smart.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

As a registered voter in the state of Maryland and a computer professional with 18 years of experience, I would like to take advantage of the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. While I am not qualified to comment on the legal aspects of the case, I am quite qualified to comment on the technical aspects. However, it is from my perspective as a parent that I have taken a position on this issue.

I volunteered my services in thePTA Technology committee of my daughter's elementary school for 3 years. During that time, the school was provided a computer lab which used Microsoft operating systems and networking software. In planning sessions with the county's IT representatives, we discussed how teachers would be able to use the lab for classwork. I asked how they planned to provide students with user IDs and private work space and discovered that this would not be possible because of the expense and support requirements. When I asked how the students were to maintain their work, I found that the other schools with labs provided floppy disks for each student.

I was astounded. I cannot imagine teachers having time to insert and eject 20 to 30 floppy disks on a regular basis, and so I was sure that the computer lab's effectiveness would be reduced tremendously. In fact, when my daughter began using it, she told me that all she ever did in it was to play some semi-educational games.

The Microsoft and Apple personal computer operating systems were originally designed to be used exclusively by individuals, and therefore do not have multi-user controls built into them. There have been additions to provide some features of a multi-user system, but these are minimal, and in many cases, ineffective. Other operating systems, in particular those based on UNIX, were designed from the beginning for multiple users.

If it were not for the illegal monopolistic practices of Microsoft, school computer labs could be provided with systems that would support many users, each with their own private environment, which would be easily accessible by teachers. This would enable teachers to take advantage of the power of computers to assist in teaching, as opposed to the computer labs being so difficult to use that they become little more than a recreational break.

I hope that the court will weigh heavily the evidence of negative consequences such as these, which have occurred mostly due to Microsoft's abuse of its monopoly. I support a judgement that will prevent Microsoft from continuing to use its monopoly in ways that have been determined by the appeals court to have been illegal.

Thank you.
James J. Sansing
1465 Maryland Ave.
Severn, MD 21144

MTC–00025611

From: carl.lisa@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

U.S. Justice Department
Washington, DC

Please be advised that we support the present proposed settlement for Microsoft , and oppose further litigation. This case has gone on long enough in our opinion and has already probably cost millions in litigation fees. Let Free Enterprise now take over.Do competitors desire fiurther litigation ? Enough is enough!

Carl R. and Lisa Scheuplein 468 Dempsey Drive

Cocoa Beach, Fl 32931

MTC–00025613

From: Burrows Family
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

Microsoft has continued its abusive anti-competitive practices by incorporating into Windows/XP a streaming audio-visual display product. This streaming product is intended to compete with RealNetworks product which had been rapidly gaining marketshare before the advent of WindowsXP.

Having been proved a monopolist (which abused its market position to force the Netscape Navigator web-browser out of the market by including its own Windows Explorer into the Windows operating system) which distorted the market in its packaging of Windows 98, Microsoft has yet to change its behavior—in spite of the court's findings. The solution suggested by the Department of Justice as a settlement provides for no change to this behavior, and provides no punishment for repetitions of past behavior. It requires no change to Windows/XP. It treats the retail cost of software distributed by Microsoft as if it were the real cost incurred by Microsoft in manufacture and distribution.

The Court must set substantive and enforceable limits on Microsoft's behavior. The Court must order Microsoft to make whole its damage to Netscape and to Real Networks; and to cease its packaging abuses in Windows 98 and Windows/XP by unbundling its browser and streaming software as separate installable (or uninstallable) products, purchased separately.

Ben Burrows
406 Shoemaker Road
Elkins Park, PA 19027

MTC–00025614

From: ednellz@ juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:47pm
Subject: Microsoft Settlement

To the Justice Department

I understand that you are in the final stages of the deliberation on whether to accept the settlement or to litigate it further. Why continue to spend money just because some of the companies were not able to keep up with the progress Microsoft was making. The settlement offers a reasonable compromise and I ask that you accept it and get on with other business.

Thank you for the work that you have done.

H. Edgar Roye

MTC–00025615

From: Stephen Lee
To: Microsoft ATR
Date: 1/25/02 10:50pm
Subject: Keep innovation alive

Microsoft is feared by Fortune 500 CEOs. Businesses, many of which have been hurt by Microsoft, refuse to bring up a case against the Redmond giant for fear of reprisal. Software companies stay out of Microsoft's path because they know that if they sell a competing product, they will compete against a ''free'' version that comes bundled on Windows.

The Dept. of Justice should have Microsoft sell a ''stripped'' down version of it's operating system.

MTC–00025616

From: mljjj@flash. net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
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,
Mike Herrington
1340 Riverwood
Algonquin, IL 60102–3813

MTC–00025617

From: wrflynt@ yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:52pm
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,
Rob Flynt
P.O.Box 1251
Georgetown, TX 78627–1911

MTC–00025618

From: Jason Broccardo
To: Microsoft ATR
Date: 1/25/02 10:55pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am 25 years old. I am part of the first generation of adults who have been using a computer for most of their lives. From the age of ten, there has been a computer in my house. For the past 5 years, in the various jobs I have held, my work could not have been done without a computer. Based on my experience, it is conceivable that when my two year old daughter is my age, the idea of living or working without a computer would be unimaginable to her. Computers, for better or worse, are central to how we interact socially and how we conduct business. Taking this into consideration, I respectfully ask that the government and the courts please reject the proposed Microsoft settlement. Microsoft, having been found guilty of violating the law and being the largest manufacturer of computer operating systems and software in the world, should not be allowed to ''get off so easy''.

The courts have found Microsoft guilty. The lower courts proposed punishments have been rejected by the Appeals court. Regardless, that does not mean that Microsoft should now have its way. Microsoft should not benefit in anyway from a settlement. If there is to be a settlement, then Microsoft should be held accountable for its actions and punished in such a way that it will not repeat past offenses. I'm afraid that the proposed settlement would encourage Microsoft to do just that.

Please reject the proposed settlement.

Thank you for your time.

Jason Broccardo
Westmont,IL
jkb@mac.com or jkb@splendidezine.com
Jason Broccardo
jkb@splendidezine.com
http://www.splendidezine.com

MTC–00025619

From: ricwhi404@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:57pm
Subject: (no subject)

2–25–2002

To The Office of the U. S. Attorney General; During this public comment period I wish to voice my opinion on the MICROSOFT suit.

The conditions of the present and concluding decision on the Microsoft case are fair and reasonable, so the Government's review should end swiftly. The court should proceed forthwith to agree that the terms are in the public interest. Had the suit been reasonably and rapidly negotiated to begin with, the nation's economy would have been untold billions of dollars better off in 2000 and 2001. For the welfare of the U. S. we sorely need no further interference in private enterprise in this case.

Sincerely yours,
Richard N. Whittier
3991 Briarcliff Rd. N.E.
Atlanta, Georgia 30345–2647
CC:fin@mobilizationoffice.com@inetgw

MTC–00025620

From: Kyle Crawford
To: Microsoft ATR
Date: 1/25/02 10:58pm
Subject: Microsoft Settlement

By not providing some aid for independent software vendors engaged in making Windows-compatible operating systems, the Proposed Final Judgement is missing a key opportunity to encourage competition in the operating system market. The statement in sections III.D. and III.E that the information released is to be used ''for the sole purpose of interoperating with a Windows Operating System Product'' is too restrictive. It does not promote competition.

Also, the definitions of ''Middleware'' are too narrow. Middleware should include .NET, Office, Outlook and other Microsoft products. All Middleware APIs need to be documented and available to independent software vendors prior to release. There must be no confusion over which APIs are covered by patents.

The discrimination against Open Source applications is unacceptable. Many of the competing applications are open source.

MTC–00025621

From: E. Glenn Brooks
To: Microsoft ATR
Date: 1/25/02 10:59pm
Subject: Microsoft Settlement

The proposed settlement is a thinly-veiled attempt to extend the Microsoft monopoly to the schools of the US and to pay about 5¢ on the dollar in settlement fees. I completely object to the current settlement.

-Glenn

MTC–00025622

From: johniejack@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:56pm
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 jack
1218 El Rey Ave
El Cajon, CA 92021

MTC–00025623

From: johniejack@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:56pm
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 jack
1218 El Rey Ave
El Cajon, CA 92021

MTC–00025626

From: Randall Krause
To: Microsoft ATR
Date: 1/25/02 10'59pm
Subject: Microsoft Settlement

MTC–00025626—0001

P.O. Box 116
Port Gamble, WA 98364
January 23, 2002
Dear Mr. Ashcroft:
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing to express my disapproval of three years of lengthy and costly litigation brought against Microsoft. The lawsuit was flawed form the start and represents the political self-interest of a few that have no concern for the American public.

The terms of the settlement are flawed and biased. Microsoft should not be forced to grant computer makers broad new rights to configure Windows'' so that competitors can more easily promote their own products, nor should they have to disclose interfaces that are internal to their Windows'' products.

While unjustified, I must support the settlement being implemented because our economy needs Microsoft back at business and not worrying about political disputes. Please make sure this settlement comes to a quick end and that no further litigation is taken against one of our nation's greatest assets.

Sincerely,
Randall Krause MTC–00025626—0002

MTC–00025627

From: Mark H. Bickford
To: Microsoft ATR
Date: 1/25/02 11:04pm
Subject: Microsoft Settlement

Dear Ms. Hesse and associates,

I would like to object to the Proposed Final Judgment in the case of United States vs. Microsoft, for the following reasons:

1. The Settlement as proposed only protects the interests of the 20 largest OEMs, and does nothing for small-business PC manufacturers who may wish to make alternative operating systems available to their customers, or provide a link to a local ISP;

2. The Settlement only protects large OEMs who wish to install multiple operating systems on one machine alongside Windows; it does not say that Microsoft cannot retaliate against an OEM who wishes to sell a PC with only an alternative operating system installed. This would have the effect of continuing to force OEMs to install a copy of Windows with every PC they ship.

3. Similar to item 1 above, the Settlement only protects OEMs who wish to install Middleware which already ships at least 1 million copies / year. It does not protect those who wish to install programs which are too new to have that size an installed base, or which may compete with Microsoft products in their intended usage but do not meet the definition of ''Middleware'' because they do not currently expose APIs (for instance, a simple Email client). In closing, I feel that Microsoft has repeatedly abused their operating system monopoly by using it to create new monopolies (both the current ''Middleware'' issue and the current state of the office sute category come to mind), and that a judgment that is both more restrictive of Microsoft and more considerate of the needs of small business is called for.

Best regards,
Mark H. Bickford
Portland, ME

MTC–00025628

From: Beryl N Northrup
To: Microsoft ATR
Date: 1/25/02 11:04pm
Subject: Microsoft Settlement

We desire that the Justice Department accept the proposed Microsoft settlement. This has gone on long enough and is jeopardizing the ability of seniors and all Americans to access the Internet and use innovative software products.

Norman N. Northrup and Beryl F. Northrup

MTC–00025629

From: Patrick Insko
To: Microsoft ATR
Date: 1/25/02 11:09pm
Subject: Microsoft Settlement
January 25, 2002
Insko Computer Consulting Group
7922 Burr Oak Road
Roscoe, IL 61073
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

In researching the proposed final agreement in the case against Microsoft, I am

troubled by the lack of substance regarding the punishment of Microsoft for abusive and illegal monopoly conduct. I add my voice to those who have already gone to great lengths to illustrate concerns over the proposed final agreement. In addition to that, however, I would like to enumerate a few points, from the perspective of a Macintosh user, which I hope will serve to illustrate predatory behavior on the part of Microsoft and offer alternative remedies and penalties:

1. Although Apple lost its copyright infringement lawsuit against Microsoft alleging that it had copied the Macintosh OS too closely in Windows, Microsoft has effectively isolated Apple from the marketplace since having obtained a monopoly with Windows. Microsoft has since entered into contracts with OEM's (original equipment manufacturers) that preclude them from shipping another manufacturer's operating system, which is a barrier to entry for Apple to pursue OEM's to which it could license its operating system. Any proposed final agreement should preclude Microsoft from contractually prohibiting OEM's from licensing, shipping, and/or supporting a competing operating system. Furthermore, the settlement should contain measures that would prevent Microsoft from retaliating against OEM's that choose to license, ship, and/or support a competing operating system.

2. Microsoft further damages Apple's potential by withholding software, sometimes indefinitely, for the Macintosh. Considering the incredible pace at which the technology industry moves, customers cannot afford to wait many months for software to become available on the operating system of their choice. As such, customers are often forced to purchase personal computers running Windows in order to be technologically current. Consider that Microsoft's agreement with Apple in which Microsoft agreed to provide upgrades to Office for a period of five years expires this year. If Office were not available for the Macintosh platform, it is widely accepted that Apple would have no chance for survival. Were Microsoft to discontinue Office for Macintosh, it would effectively destroy Apple's viability, and as such would constitute a violation of its monopoly power. Any proposed final agreement should offer protection to competitors such as Apple by requiring Microsoft to continue support for critical applications like Office, in order to preclude those companies from going out of business. It should be recognized that a company that is run out of business as the result of another company abusing its monopoly power no longer has the means to pursue a remedy or recourse.

3. Measures must be put in place that would prevent Microsoft from further abusing its monopoly power through its efforts to ''embrace, extend, and extinguish.'' Microsoft has long made it a practice to embrace technologies and standards it regards as potentially lucrative. It then extends the technologies and standards to include proprietary, Microsoft-only additions. Since it has such a vast market share with its operating system, Microsoft is able to force the Microsoft-only technology or standard on millions of customers, which effectively makes the Microsoft version of the technology or standard the one that is overwhelmingly adopted. The inevitable result is that Microsoft's competitors, which in many cases were responsible for the new technologies and standards, are extinguished from the very market they had created. One such example of this abusive and predatory tactic can be found by examining Microsoft's attempts to redefine the standards of Sun Microsystem's Java programming language.

4. Perhaps the most notorious and egregious violation of Microsoft's monopoly power was its decision to freely license Internet Explorer once it recognized that Netscape threatened to dominate the new Internet market. The end result, to date, has been to render Netscape unable to profit from its Internet browser in order to compete with Internet Explorer. Microsoft utilized its massive cash reserves to fund the development and free distribution of software in order to decimate a competitor. Any proposed final agreement must prevent Microsoft from using its massive cash reserves to wage a war of attrition against smaller, less advantaged, companies.

5. The proposed settlement agreement penalizes Microsoft about one billion dollars, which is a fraction of the amount of cash reserves Microsoft maintains. This dollar amount, examined in the perspective of Microsoft's market capitalization, is roughly the equivalent to the amount of money it would lose if its share price were to drop approximately 0.1%. Any proposed settlement agreement must represent a realistic penalty to Microsoft's bottom line as a means to deter future abuses of its monopoly power. A more realistic penalty would be twenty billion dollars.

I hope the Department of Justice takes its role seriously in providing adequate and meaningful penalties and remedies in this case. Microsoft has decimated competition in the software industry, and it is the highest imperative that competition be restored for the good of the consumer.

Sincerely,
Patrick Insko
Principal
Insko Computer Consulting Group

MTC–00025630

From: Ruth (038) Rusty Warner
To: Microsoft ATR
Date: 1/25/02 11:10pm
Subject: Microsoft Settllement

I think this gone on too long. This does nothing but make some lawyers rich. The public as a whole receives no benifits.

CC:William Russell Warner

MTC–00025631

From: Robert P. Fickenwirth
To: Microsoft ATR
Date: 1/25/02 11:10pm
Subject: Microsoft Settlement

To those responsible for litigation in this case. Enough already—please expedite the settlement of this case. More litigation is the last thing I, as a consumer, or the industry needs. Please settle so we all can move forward.

MTC–00025632

From: dh
To: Microsoft ATR
Date: 1/25/02 11:11pm
Subject: microsoft settlement

To Whom It May Concern:

I'm a self-employed IT professional working primarily with personal computers; I use, and support users of, various operating systems, including Macintosh and several flavors of Windows. Although I've not read all the documents relating to the current proposed settlement in U.S. v. Microsoft (Civil Action No. 98–1232), I have been avidly following the case since it began. Based on my understanding of the industry, Microsoft's role in it, and the courts'' findings relative to same, I am flabbergasted and appalled at the terms of the proposed settlement.

Microsoft enjoys a virtual monopoly over large segments of the market, and has engaged in illegal practices in furtherance of this position. Remedies, by definition, should seek to undo the damage inflicted by these practices. The proposed settlement doesn't simply fail in this regard; it will actually exacerbate the damage.

It's long been understood that seeding schools with proprietary technology results in increased sales of that technology to those who've been exposed to it thereby. The reason for this is pretty obvious: people tend to buy those products with which they are familiar, and therefor comfortable. Education being one of the few PC markets that Microsoft doesn't currently dominate, any steps that increase the company's presence in that market will thus have a magnified effect.

So, donating equipment and software to schools is simply good business practice from Microsoft's perspective. This is so even if the real cost of those donations to the company is high, which may or may not be true in this instance, and even if the value to the schools is also high—again, an open question. I am baffled as to how anyone could fail to see the granting by Microsoft of large quantities of its products to the public school system, as being anything other than a boon to the company.

In short, I believe that any meaningful settlement to this case would simultaneously benefit the public, mitigate some of the competitive damage which has resulted from Microsoft's illegal behavior, and discourage the company from behaving in such a fashion in the future. The proposed settlement fails miserably to meet these criteria, and should be scrapped.

Sincerely,
David Hauer
1818 10th Street
Berkeley, CA 94710
david hauer

MTC–00025633

From: snive
To: Microsoft ATR
Date: 1/25/02 11:11pm
Subject: Microsoft Settlement

To Whom It May Concern:

Let's settle this case and move on. All the government's case has done so far, is to hurt the public, which it was suppose to protect. It would be nice if the government would

explain, just how all of us will be better off as a result of their case. Are they going to send us a check for dollars lost in stock value because of their actions?

It appears that the Justice Department should have been focused on Enron, which has hurt the American public much more than Microsoft ever could. Maybe microsoft should have contributed more.

Just do It.

Sincerely,

John M. Snively, Jr.

MTC–00025634

From: Loren Chang
To: Microsoft ATR
Date: 1/25/02 11:14pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a citizen of the United States and an avid computer user I feel the need to speak up regarding the settlement proposed by Microsoft Corporation for the antitrust lawsuit being filed against it.

The settlement as proposed by Microsoft is nothing more then a sham and a brazen attack upon the law, the government, and the American people, and shows Microsoft's utter disregard and contempt of the law and the intelligence of the people of this nation. It is also evidence of the laxness and complacency among the highest levels of our government, and the willingness of some of these individuals to sell out all principle in exchange for personal gain. Microsoft has been nothing short of arrogant and uncooperative since the beginning of the antitrust case against it, as demonstrated by it's recent thinly veiled attempt at inundating the lucrative educational market with it's products, even after the guilty verdict was levied.

I urge you to not let this challenge on the freedom, and the law by Microsoft go unpunished. Through it's recent actions, Microsoft has shown that it is a true threat to both innovation, and a fair and free marketplace. I urge you to levy the strictest penalties possible on Microsoft, so that it may never again be the threat to freedom and innovation that it has shown itself to be in the past, and indeed, to this very day. Nothing short of the freedom of our nation, and perhaps the world, rests upon this decision.

Sincerely yours,

Loren Chang

MTC–00025635

From: Hausernet@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:14pm
Subject: Microsoft Settlement

Dear Sirs: I am thankful for the Microsoft Windows softward standard, enabling me to correspond without difficulty, use computers at other locations without difficulty and connect to my own computer from other locations. The wide use of Windows also means that it is much easier for programmers to come up with something new, not having to deal with multiple types of software.

We all know the nightmare of dealing with multiple phone companies and their systems. I have never felt that I was overcharged for Microsoft products and feel that bundling has made using the computer easier and cheaper, down-loading only one program rather than several. I am aware of the contents of the settlement and feel it is fair. I believe that competition should take place in the marketplace rather than the courts.

Edna Hauser

MTC–00025636

From: Marc (038) Jeanne
To: Microsoft ATR
Date: 1/25/02 11:16pm
Subject: Microsoft Antitrust

Honor, Judge Colleen Kollar-Kotelly,

Please I urge you, your Honor, to review ''The Proposed Final Judgment'' with the DOJ and Microsoft. I have been in the IT business for many years and have seen countless times that Microsoft has been less then fair in their business practices, ethical competition, and consumer choice. The IT industry needs protection from Microsoft and Microsoft needs to cease their monopolistic practices.

Thank You,

Marc R. McCamey BST, Tech+
Network Administrator
Interstate Specialties Inc.
1807 Pittsburgh Ave.
Erie, PA 16507
1.800.533.6847
CC:nolandpeebles@attbi.com@inetgw

MTC–00025637

From: Rudy Stefenel
To: Microsoft ATR
Date: 1/25/02 11:22pm
Subject: Microsoft Settlement
To: U.S. Department of Justice
From: Rudy Stefenel
3138 Drywood Lane
San Jose, CA 95132
408–263–5332
1/25/02

It is essential that you incorporate the solution proposed by California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia into the final Microsoft antitrust settlement. The current settlement has too many loop-holes. Here are are the three points proposed by these states along with the reasons to incorporate them.

Require Microsoft to give computer makers more freedom to feature rival software on their machines. This is absolutely essential and obvious. Computer makers must have this freedom or Microsoft clearly has a monopoly.

Order Microsoft to sell a cheaper, stripped-down version of its Windows operating system. This is a superb requirement because it gives freedom of choice to everyone who uses Windows without stopping Microsoft from innovating. Otherwise Microsoft is forcing everyone to pay for Microsoft's application software programs when purchasing Windows, even if some people prefer non-Microsoft applications software programs.

Order Microsoft to do more to reveal the workings of Windows to competitors. This is absolutely essential. At present, Microsoft's application software programs can run better than their competitors software because Microsoft is not not telling their competitors about all the ways to hitch their software up to Windows.

As an example, part of Microsoft's defense is that their Web Browser, Internet Explorer, is merged with Windows and it cannot be separated out. Actually only part of Internet Explorer is integral with Windows and Windows would function fine with other parts removed.

Microsoft must disclose how to utilize the parts that could not be removed to competitors so that their Web Browsers can use them too or the competitor's web browsers don't have a chance of working as well as Microsoft's.

How does this make Microsoft's Internet Explorer web browser work better? Think about how long it takes to load a web browser. A competitor's web browsers can't possibly load as fast as Microsoft's because the whole browser must be loaded. Only part of Microsoft's browser needs to be loaded because the other part is integral to Windows. People get irritated if they have to wait too long for a browser to load and will end up using Microsoft't browser, even if the prefer other browsers for other reasons. Can't you see how Microsoft is using their Windows operating system, in this case, to leverage unfair competition?

These three requirements, proposed by a few states, are not vindictive and they address Microsoft's antitrust violations head on. They don't stop Microsoft from selling a version of Windows with integral applications software. People who prefer other applications software are not stuck with paying for Microsoft's. Microsoft has full freedom on innovate and so does their competitors. Computer makers have freedom of choice and so does every everyone who uses Windows.

Sincerely,

Rudy Stefenel

MTC–00025638

From: Vagabonds2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:25pm
Subject: Microsoft Settlement

To Department of Justice,

Let us move on with what would help our country and economy the most.

Let us PLEASE move forward. Half the states have agreed with the decision. The Microsoft case has no justifiable reason to continue. The truth is that most consumers appreciate how MICROSOFT HAS MADE COMPUTERS REALLY USER FRIENDLY.

I am also a very typical American public who agrees with most Americans to ''MOVE ON!''

Thank You
For Taking The Time
To Read This,
Tamara Fine

MTC–00025639

From: dube
To: Microsoft ATR
Date: 1/25/02 11:28pm
Subject: microsoft settlement

People are sick about AOL .It not the first time that AOL suit some companies .Every time they want to block the expansion to some companies just because them bought the small companies for almost nothing and after that, need some time to get a chance to

come first with their technology. They do not have any interest for the customers.

The only thing is important for them to be number ONE. No matter what painful for the old and young peoples who did not have chance to learn the computer at school to use it.I thank you very much micrsoft for what they do for the world; our life change ,I learn to use the computer by myself 15 years ago.It was hard to use all commands and I spent very much time to catch up everything to understand how this will work and be able to fellow the conversation with my children and the employes. The window come and it was the happy time for all to use the computer faster and more efficienty. I use both ten years ago NESCAPE and msn explorer .Always I come back with msn explorer because it was easier.

sincerely dube@sensible-net.com

MTC–00025640

From: elgloyna@ykc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:23pm
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,
emmett Gloyna
5947 County Road 284
Edna, TX 77957

MTC–00025641

From: elgloyna@ykc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:23pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
emmett Gloyna
5947 County Road 284
Edna, TX 77957

MTC–00025642

From: John S. Howell, Jr
To: Microsoft ATR
Date: 1/25/02 11:26pm
Subject: Microsoft Settlement
Attn: Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
January 25, 2002
RE: MICROSOFT ANTITRUST CASE—
PUBLIC COMMENT for the DISTRIC
COURT TO CONSIDER

I am an avid computer hobbyist and software entrepreneur that started in the 1970's, years before Microsoft's name was well known. I have carefully watched, and dealt with Microsoft since they were a tiny company, and I believe this gives me a somewhat unique perspective on Microsoft and their competitors.

The products I have licensed from Microsoft include programming languages like BASIC, Visual Basic, and ''C'', operating systems like MS-DOS and Windows, and productivity tools like Word, Excel, Outlook e-mail and PowerPoint. I have also licensed software products from Novell, Apple, IBM and others.

More than all of the others combined, the Microsoft products have benefited my business and my personal life in many, many positive ways. From the very first purchase I have found Microsoft products to be of unusually high quality, often innovative, extremely useful, and perhaps above all, a tremendous value for the money. The company is usually very easy and straightforward to deal with.

My company started with IBM, Novell and Microsoft as suppliers. Although we initially favored IBM and Novell products, over the years, we valued Microsoft's more than the others—I believe mainly because Microsoft seemed to understand the technologies and tradeoffs better than their competitors, and were able to consistently produce superior products at a very low price, which made them a lower risk, and a better supplier to us.

One of my concerns with this case is that the complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. These failed businesses must not be allowed to set the rules for the markets in which they failed.

I purchased Microsoft products for my business over their competitors because they were able to consistently provide the best balance features, ease of use, and performance, AND make their products available at extremely attractive prices. Over the years, I have witnessed many hundreds of other business people make their own independent evaluations that resulted in the same conclusion— Microsoft's products were overall better than the competitions—and so they purchased them.

I resent any characterization by the government that Microsoft's customers are ''helpless victims'' who cannot choose software. Nothing could be further from the truth. More than almost any other type of product I have found that buyers of computer products seek the advice and comment of others before making a purchase.

I also do not believe the government should have any say in what software I should run on my computer, and I resent the idea that a successful business and a successful product should be a threat to anyone.

I believe it is a dangerous policy for politicians to protect some businesses from others. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster.

And lastly, I believe Microsoft should have the right to its own property, and that it is the government's job is to protect this right, not to take it away.

Sincerely,
John S. Howell, Jr
Naples, FL

MTC–00025643

From: Dino Rachiele
To: Microsoft ATR
Date: 1/25/02 11:27pm
Subject: microsoft settlement

I am outraged by the attack against Microsoft. Microsoft is constantly being punished for being the first and the best at what they do. This is discouraging to many of us who have hopes of attaining the American Dream. Leave those folks alone... please. I have stock in AOL and Microsoft. I am ashamed that AOL has taken this stance. They have better things to do!

Thank you,
Dino Rachiele
President,
Luxury Home Products, Inc.
The Rachiele Group, Inc., Custom Sinks by Rachiele
Oxitech, Inc.
www.luxuryhomeproducts.com
www.rachiele.com
www.oxitech.org

MTC–00025644

From: cruiser@chartermi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:25pm
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 Merrick
1605 Baker Dr.
Kalamazoo , MI 49048–1215

MTC–00025645

From: Jeff Donner
To: Microsoft ATR
Date: 1/25/02 11:29pm
Subject: Microsoft Settlement

Hi,

I think the MS settlement should include prohibiting them from putting restrictions on where you can run MS application software. Right now they are beginning to put clauses into their End User License Agreements forcing you to agree to use it only on MS operating systems; this is very anti-competitive, as it is otherwise slowly becoming possible to run MS apps on other OSes, like Linux (using Wine). The only point of such restrictions is to suppress competition with MS'' operating systems, the Windows. It does not protect MS intellectual property in any way; users still have bought the MS software, after all.

Thanks,
Jeff

MTC–00025646

From: J.C. Allen
To: Microsoft ATR
Date: 1/25/02 11:28pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

My name is J. C. Allen. I reside in Hampton, Virginia. I am a citizen by birth of the United States.

It should not be necessary to relate this information via email. However, Microsoft Corporation (''Microsoft'') has, in the past, falsified support for its position as market leader and its monopolistic, predatory practices. It is imperative that the U. S. Department of Justice (USDOJ) carefully scrutinize the responses it receives regarding the antitrust complaint filed against Microsoft and the proposed Final Judgment, because of these past actions on the part of Microsoft. Some of the email the USDOJ receives may in fact have been manufactured by Microsoft to intentionally deceive the USDOJ. Microsoft has resorted to such impromptu ''lobbying'' in the past in order to create the perception that the public supports Microsoft's actions in the nation's marketplace. I have no desire to read, in a few months, about a similar deception with regard to the proposed Final Judgment (''Proposed Final Judgment''). It is my opinion that Microsoft will use every tactic possible to convince the USDOJ that the public believes the Proposed Final Judgment is fair. I am the public, and I do not believe it is fair. I can assure you that I am not alone.

The following URL details the efforts of Microsoft to influence Utah Attorney General Mark Shurtleff using these tactics: http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html

A portion of the above article (which was originally published by the Los Angeles Times) is quoted below: ''Letters purportedly written by at least two dead people landed on the desk of Utah Attorney General Mark Shurtleff earlier this year, imploring him to go easy on Microsoft for its conduct as a monopoly. The pleas, along with more than 100 others from Utah residents, are part of a carefully orchestrated nationwide campaign by the software giant... Microsoft sought to create the impression of a surging grass-roots movement, aimed largely at the attorneys general of some of the 18 states that have joined the Justice Department in suing Microsoft.

The Microsoft campaign goes to great lengths to create an impression that the letters are spontaneous expressions from ordinary people. Letters sent in the last month are on personalized stationery using different wording, color and typefaces, details that distinguish Microsoft's efforts from lobbying tactics that go on in politics every day.''

I would like to begin with a quote by former Judge, Stanley Sporkin: ''Simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained...'' I would also like to list some of those companies that have unfairly suffered because of Microsoft's illegal monopoly and predatory marketing practices. Following the company name and separated by a colon is the name of the product that Microsoft intentionally sabotaged, copied, or stolen outright. Following the product name and separated from the competing company's name by a semicolon is the name of the product Microsoft developed to integrate the functions of these competing applications into Microsoft operating systems. Note that many of these competing applications are no longer being actively developed because these companies, which depended on revenues from sales, are no longer in business. A few others continue to market new releases, but their user base has dramatically declined:

1. Digital Research, Inc. (then Novell, now Caldera): DR DOS; MS-DOS 5.0 and Windows 3.1, which were intentionally designed by Microsoft to alter the base upon which applications were written for Microsoft operating systems, so that applications written for Microsoft operating systems would be incompatible with DR DOS. The announcement that Windows 3.1 would not be compatible with DR DOS resulted in sales of that product dwindling to practically nothing in months.

2. Real Networks: Real Player; Microsoft Windows Media Player, which has almost completely supplanted Real Player as the de facto internet standard streaming media application. Windows Media Player is bundled with Microsoft operating systems, and is available as a free download for Microsoft operating system users.

3. Netscape Corp. (now America Online/Time Warner): Netscape Navigator; Internet Explorer, which has effectively supplanted Netscape Navigator as the browser of choice among most internet users. In 1995 the vast majority of internet users used Netscape Navigator to access the internet. Internet Explorer is bundled with Microsoft operating systems.

4. Apple Computers: Apple's Graphical User Interface (''GUI''); although Apple borrowed heavily from XWindows for UNIX, Microsoft's first attempt to produce a true GUI operating system featured an almost exact replica of Apple's desktop, right down to the trash can, which Microsoft renamed ''Recycle Bin''. Apple's GUI became the basis for the present look and feel of Microsoft operating systems.

5. Corel: WordPerfect; Microsoft Office (Microsoft Word). Also: Quattro Pro; Microsoft Office (Microsoft Excel). Both Microsoft Office and Microsoft Word, separately, are frequently bundled with new installations of Microsoft operating systems.

6. Quarterdeck Corp. (now owned by Symantec): QEMM; EMM386.*, a memory manager that enabled DOS-based programs to access more than 640K of memory. EMM386.* (et al.) are necessary components of Microsoft operating systems that run in real and protected mode.

7. STAC Electronics: hard drive compression scheme; Microsoft DoubleSpace. DoubleSpace is a disk utility that is included with Microsoft operating systems.

8. Go Corp.: pen-based computing; Microsoft incorporated the code into its operating systems so that they would be able to recognize the device.

9. IBM: Lotus 1–2–3; Microsoft Office (Microsoft Excel). Also: OS/2; Windows 95. Microsoft refused to provide technical details necessary for third-party developers to develop applications for both Windows 95 and OS/2 to IBM, resulting in a net migration of users away from that operating system as the number of available applications fell. Microsoft office is frequently bundled with new installations of Microsoft operating systems.

10. Sun Corp.: Java, Sun Java Virtual Machine (''JIM''); Microsoft J++, J#, C#, ''.NET''. Microsoft's non-standard implementation of Java (J++, J#) forced Sun to sue to prevent Microsoft from designing proprietary extensions to the language that were only functional on Microsoft operating systems. Microsoft lost and in retribution announced it would no longer support Sun's JVM in order to force a migration away from the use of Java and to force implementation of Microsoft's ''.NET'' initiative. In addition, Microsoft has incorporated new features into its newest operating system to further extend its monopoly and sabotage applications in markets which it intends to dominate, for example: Roxio EasyCD Creator (Microsoft bundled the software required to ''burn'' CDs into its newest operating system, Windows XP); Adobe Photoshop, et al. (Microsoft

PictureIt! is marketed to directly compete with these applications, using a proprietary file format which non-Microsoft middleware cannot support because PictureIt!, by default, stores images in the proprietary file format, and Microsoft has not released details of the file format to third-party developers]; Norton Personal Firewall, et al. (Microsoft bundled a limited firewall into Windows XP).

MTC–00025646–0003

In short, Microsoft has demonstrated time and time again that it is not an innovator, but that it is a ruthless integrator—buying, copying or stealing other companies'' innovations and intellectual property outright, and bundling applications which utilize these innovations with its operating system in order to drive its competitors out of business. Fear of the pending Final Judgment has not caused Microsoft to cease this abusive practice. In fact, the newest components of Microsoft Windows XP (e.g., CD burning software) were developed well after the anti-trust action against Microsoft was initiated.

It is my contention that the Proposed Final Judgment will not ''provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' I believe that the Proposed Final Judgment does ''little or nothing to address the unfair advantage [Microsoft] has already gained''.

I have no special skills or training which qualify me to comment in detail on the Proposed Final Judgment against Microsoft. I am neither a lawyer, nor an employee of any of the companies which directly compete with, or depend on, Microsoft software. However, I use Microsoft software daily in my work and at home, and it is my belief that the opinions of those who actually use Microsoft products in their daily lives should weigh heavily in any deliberation. We are, after all, the ones who stand to gain or lose the most by any Final Judgment, and we stand to lose a great deal if the Proposed Final Judgment is adopted. My objections to the settlement offered by the United States Federal Government are as follows:

1. A. The internet was developed using open, non-proprietary standards.

B. Microsoft has extended, and is extending, its monopoly by developing proprietary standards which unfairly exclude rivals from developing applications which are fully functional on computers running Microsoft operating systems. C. Microsoft will profit from this exclusion. D. Microsoft should not be allowed to profit in the future from unfairly excluding competitors in the past.

Repeatedly, the court has stated that Microsoft integrated its Web browser into Windows in a non-removable way. However, at the time this claim was made, very early in the anti-trust action against Microsoft, it was a deception. It is possible to remove Internet Explorer (''IE'') from Windows 98. This has been demonstrably proven: http://www.cnn.com/TECH/computing/9903/O9/removeie.idg/

MTC–00025646–0004

In fact, an application was developed to remove IE from Windows 98 called ''981ire'': http://www.981ite.net/

I am not ignorant of the fact that this would eliminate some of the features offered by the integration of Windows 98 and Internet Explorer. However, it would eliminate many of the vulnerabilities which have plagued Microsoft software from the time Microsoft incorporated IE as a component of the Windows operating system and offer enhanced security to the user. Yet requiring Microsoft to enable the end user of Windows to completely remove IE, and therefore eliminate direct access to the operating system (which IE, as a component of the operating system, was designed to allow), is not a condition of the Proposed Final Settlement.

At the time the integration of IE into Windows 98 was first undertaken by Microsoft, the anti-trust action against Microsoft had not yet begun. However, shortly thereafter Microsoft desperately needed a legal defense against the argument that it illegally bundled its Web browser with its operating system to crush rival Netscape. The bundling of IE with Windows 98 allowed Microsoft to establish market dominance and become the de facto standard Web browser. By demonstrating that Windows 98, with IE removed, was incapable of functioning as designed, Microsoft ''proved'' that IE was a ''necessary'' component of Windows 98. However, this claim is clearly ludicrous, and has not been completely remedied by the Proposed Final Settlement.

My principle objection is that the USDOJ appears, by way of the language of the Proposed Final Settlement and Competitive Impact Statement, to have accepted Microsoft's claim that IE ''cannot'' be removed from Windows. I simply refuse to believe that the company that integrated its Web browser with its operating system cannot un-integrate it.

It is my contention that Microsoft's future corporate strategy revolves around the development of a method of delivering digital content and services (''DCS'') securely to a computer user, and that, as a business, it is aware of how profitable this will be. Part of this effort is the integration of Digital Rights Management (''DRM'') and other schema (encryption, licensing, authentication, etc.) into daily use of the computer through the Windows Explorer shell, and therefore through IE. Any DRM scheme (et al.) proposed by Microsoft will therefore be very lucrative for Microsoft, and for Microsoft's partners, by requiring any user of Microsoft's software to pay a per-use Microsoft ''tax'' to access DCS via the internet, and by requiring any developer to license this technology from Microsoft.

It is also my contention that the integration of IE with Windows was purposefully undertaken by Microsoft to crush Netscape and establish market dominance before the internet had grown to the point that the technologies for the secure delivery of DCS were necessary, i.e., before there was a market for such technologies. I tip my hat to Microsoft's business acumen. However the internet has grown to the point that no one company can be allowed to stand between the public and the information it offers, freely, to all. With the vast majority of computer users using Microsoft operating systems, this guarantees that internet access is contingent on satisfying whatever conditions Microsoft chooses to impose.

It is my contention that DRM or other schema involved in the delivery of DCS over the internet cannot be proprietary, and that the seeming acceptance, on the part of the USDOJ, of the integration of IE with Windows has given Microsoft an unfair advantage by allowing Microsoft to utilize the leverage gained by establishing its web browser as the dominant web browser to secure future profits, which will allow Microsoft to unfairly extend its monopoly into new computer technologies.

The Proposed Final Judgment does nothing to remedy this, but instead allows Microsoft to profit from actions which would be prohibited under the terms of the Proposed Final Judgment. I propose that the Proposed Final Judgment ''level the playing field'' by requiring, for example, that language or provisions such as Section III.E of the Proposed Final Judgment be stricken in toto: ''Section III.E ... exempts from these licensing requirements certain very limited and specific portions or layers of Communications Protocols which would, if disclosed, compromise the system security provided by Microsoft anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication features.''

It is my contention that the only relief for Microsoft's past abuse is to force Microsoft to openly and publicly disclose all features exempted by the Proposed Final Judgment, to allow no exceptions to the rule of public disclosure, and to require that this occur immediately, i.e., before the one year deadline for disclosure of Microsoft's application programming interfaces (''APIs''). This would allow the development of competing applications immediately. Companies which have unfairly suffered because of Microsoft's status as a monopoly will be able to offer competing applications much sooner than they would have under the proposed schedule. It would have the added benefit of allowing interested third parties to examine Microsoft's proposed DRM, licensing, authentication, et al. to ensure that security is not sacrificed for ''features''.

2. A. Microsoft's has repeatedly demonstrated that, as a corporation, it does not place a great emphasis on security. B. This has placed an unfair burden on American businesses and individual consumers to secure Microsoft software. C. Microsoft's corporate values are a direct result of the integration of Microsoft ''operating systems'' and ''applications'' development under one corporate umbrella. D. The ease with which Microsoft application developers utilize features exclusive to Microsoft operating systems contributes to a corporate climate which is organizationally incapable of responding to security vulnerabilities which exploit those features. E. The only remedy for this situation is to divide the corporation into two separate halves—one to develop the operating system

and the other to develop applications to be run by the operating system—and to require that any APIs necessary to properly integrate an application with the operating system be disclosed to competitors in accordance with the provisions of the Proposed Final Judgment.

I am aware that Microsoft's founder, Bill Gates, recently made a pronouncement concerning computer and information security, in which he stated that security must become Microsoft's top priority. As for me, this is too little, too late. I believe the recent memorandum from Bill Gates is part of Microsoft's strategy to create a safe harbor and shelter large portions of its code base from the disclosure terms of the Proposed Final Judgment—if every API has something to do with ''security'', none of them are required to be disclosed. This must not be allowed to occur, and if the language of the Proposed Final Judgment is allowed to stand, Microsoft's status as a monopoly will not even be challenged.

The results of Microsoft's ''lip service'' to security have been widely publicized. Computer worms and viruses written to exploit known weaknesses in Microsoft software have, in the past year, cost American businesses that depend on that software billions of dollars, and been a terrible inconvenience for thousands of computer users who lost data, personal or professional, to malicious code. I have personally invested in anti-virus software and a firewall to prevent worms and viruses that exploit known weaknesses in Microsoft software from affecting me. This may be Microsoft's idea of ''driving software development'' or the ''upgrade cycle'', but it is not mine.

MTC–00025646—0006

The ubiquity of Microsoft software is, in large part, responsible for the cost of cleaning up after such outbreaks and patching vulnerabilities caused by ''features'' that would have been exposed by a thorough code audit, if security had ever been Microsoft's priority. For example, Outlook Express (''OE''), by default, previews a message it receives if the ''preview pane'' is turned on, and parses any executable script it encounters. This allows a received message, without any further interaction from the user, simply on the basis of being received by that user via OE, to execute malicious code on that user's computer.

Who, at Microsoft, was responsible for making the decision to incorporate this ''feature'' into OE? Why was it not reviewed and why was it not decided that its inclusion would make OE too vulnerable to attack?

Microsoft, as a corporation, is not capable of developing a truly secure application. The current code base is simply too large for even forty thousand employees to accurately and completely review. It is therefore my contention that Microsoft should be broken into two (or more) separate companies, one to develop Microsoft operating systems, and one to develop applications for Microsoft operating systems. Under the disclosure terms of the Proposed Final Judgment and 1. above, any Final Judgment should require Microsoft to disclose the APIs necessary to properly integrate an application with the operating system in accordance with the provisions of the Proposed Final Judgment. Requiring Microsoft to disclose any APIs necessary for its applications developers to write applications that seamlessly integrate with Microsoft operating systems would guarantee that although Microsoft might gain market share from new APIs which take advantage of integration with the operating system, any competing application developer would be free to use those APIs to enhance their own software in a unique way. Though Microsoft might profit temporarily from the use of exclusive Microsoft APIs, it would not be able to retain a monopoly through obscurity; Microsoft would be forced to truly compete by developing applications which best serve the needs of their users.

3. A. Microsoft has undertaken the development of tools (J++, J#, C# and ''.NET'') which seek to supplant established programming languages or internet protocols (C++, Java, etc.), and which offer limited, or non-existent, functionality on computers not running Microsoft operating systems or IE. B. These tools directly subvert the open, non-proprietary standards which the internet was developed around. C. Allowing Microsoft to further dilute these standards will increase the cost America's consumers must pay to access DCS via the internet.

It is my contention that Microsoft has undertaken this action to further extend its illegal monopoly, and dominate future internet technologies. The Proposed Final Judgment does not completely remedy this. What has already been proposed, ensuring that Microsoft is no longer allowed to punish Original Equipment Manufacturers (''OEMs'') who choose to include competing technologies in their hardware or software products, does limit Microsoft's monopoly somewhat. However, it does not completely address the issue because software developers will always be at Microsoft's mercy when developing applications for Microsoft platforms via the applications barrier to entry. This issue is also addressed, in part, by requiring the disclosure of Microsoft's APIs, which I have already commented on above.

I again assert that Microsoft should not profit from behavior that would have been illegal if the terms of the Proposed Final Judgment had been in force. By requiring the immediate disclosure of all APIs, DRM and other schema, immediately and without exception, competing applications may be developed using established programming languages or internet protocols which provide as much functionality as applications developed using proprietary Microsoft programming languages or internet protocols. This would deny Microsoft the opportunity to further entrench itself as a DCS provider by excluding its rivals with proprietary technologies which only provide full functionality on computers running Microsoft's operating systems or IE, with which Microsoft's proprietary programming languages or internet protocols can be fully integrated.

The loss of revenue due to sales of J#, C# and .NET development tools, instruction manuals, books, peripherals, etc. will be a punishment that truly fits the crime. By trying to encompass and control access to the internet, Microsoft will ensure that future internet technologies offer truly universal access. This will benefit consumers by offering more choices, not less, and by keeping the internet free of the control of pervasive corporate interests which threaten it. DCS will remain inexpensive, in that consumers will not have to pay a hefty ''tax'' to Microsoft (or any of its partners) simply to access DCS via the internet. The internet was built with the tax dollars of America's consumers, and should be managed by the government in concert with the global community, corporations, and citizens the world over, on behalf of all humanity. Microsoft must not be allowed to control access to the internet, or relegate consumers to a ''second-class internet'' simply because they are not Microsoft customers.

This concludes my comments. Thank you for your consideration.

J. C. Allen

MTC–00025647

From: Joe Marasco
To: Microsoft ATR,waba@scientist.com@inetgw
Date: 1/25/02 11:32pm
Subject: RE: Comment on Microsoft-DOJ settlement

I do not agree with you.
Thanks.
Joe
Original Message
From: William Buchanan [mailto:waba@scientist.com]
Sent: Friday, January 25, 2002 9:26 AM
To: microsoft.atr@usdoj.gov
Cc: abraham, fred; Jacobsen, Dianne; Lips, Rolf; Marasco, Joe
Subject: Comment on Microsoft-DOJ settlement

I am outraged at the proposed ''settlement'' of this conflict. It makes as much sense to me as the first court conclusion in the OJ Simpson case. Gates has simply conned his way out of being found clearly guilty by the very expensive but well executed investigation of Microsoft's actions by the Clinton DOJ. Gates'' entire career is based on lying, cheating, stealing and bullying his way around in the consumer community. He has no scruples, other than continually doing anything he can to get the public's money in exchange for their purchases of Microsoft's so-called ''innovative'' products. These sub par products only appear to be innovative because he has used his wealth and maligned cunning to squash any legitimate competitors. Jackson's characterization of him as a ''little Napoleon'' is right on. And now for the corrupt tie between G.W. Bush and W. Gates (following White House meetings between the two) to surface as a ''just settlement'' thrown quickly before a war-distracted US public and its Congress, is really rubbing salt into a big wound.

Hooray for the valor of the states who are holding out and continuing to gun for a real ''just settlement'', in this case. The only reason the other states that originally were involved had to drop out is that the Gates machine is so well endowed, financially and legally, it is able to intimidate even a

relatively large collective of public/legal representatives in its obsessive path of destruction. I'm glad to be a citizen of California, and able to watch my attorney general, Bill Locklyer, lead the charge against prematurely settling with Microsoft. I would hope that the Federal DOJ could follow the same path in this case, but think that the eagerness of the current administration to satisfy Gates'' dreams of walking away unscathed from this situation are so far handing him his wishes, just as though it was a ''pardon''.

If there is still such a value as ''justice'' in our US, then let it reign supreme. Require Microsoft to be held accountable for what it has already been found guilty of, and make it pay the full and responsible cost of having deliberately committed its heinous actions. And see to it that the Bush administration be held just as responsible and accountable for exercising its Constitutional requirement to uphold justice in this case. Anything less only brings to light that the Bush administration and Microsoft are colluding to dupe the taxpayer into believing that both are worthy of honor, a conclusion that is just not acceptable and well should not be.

CC:abraham fred,Jacobsen Dianne,Lips Rolf

MTC–00025648

From: Bob E
To: Microsoft ATR
Date: 1/25/02 11:34pm
Subject: Microsoft Settlement

NOT FAR ENOUGH

MTC–00025649

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov.
Date: 1/25/02 11:34pm
Subject: Settlement With Microsoft

Let's move forward and complete the more than fair settlement reached among DOJ, Microsoft and the nine states. To do otherwise is very unsettling to the economy and delays Microsoft's continuing record of helping improve the productivity of companies thoughout the United States of America.

Thank you,
William & Stephanie Necoechea
6509 Caminito Catalan
La Jolla, CA 92037

MTC–00025650

From: Alex Hill
To: Microsoft ATR
Date: 1/25/02 11:34pm
Subject: Microsoft Settlement

The Proposed Settlement of the Microsoft antitrust case is inadequate. There are many problems with the settlement, far more than I can go into. Therefore, I will mention only a few of the inadequacies.

1. Microsoft must allow all third party programmers free access to all APIs and communications protocols used to interoperate with Windows or any other Microsoft products. Section III.J.2b allows Microsoft to release APIs only to a third party that ''has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product.'' This access cannot be limited to commercial programmers. Specifically, programmers who do not seek to make a profit or who are working on open source projects must have the same access to APIs and communications protocol documentation that commercial, for-profit programmers have.

2. Section III.J.1a is a glaring weakness to the stipulation that Microsoft reveal its APIs. Microsoft has repeatedly hidden behind claims that it cannot reveal key elements of its software for ''security reasons.'' This is often called ''security through obscurity'', and its merit is highly questionable on security grounds; many security experts agree that the only way a security measure can be considered adequate is by allowing the security measure to pass rigorous inspection by security experts. Any good security measure should be strong enough so that even a person who has access to the entire source code of the security protocol cannot break the security.

I do not propose that Microsoft be forced to open its source code for review by outside security experts; such a provision would unfairly limit Microsoft's ability to compete. However, security is not an acceptable reason for Microsoft to refuse to document APIs or communications protocols that, by the Final Judgment, they would otherwise be required to disclose.

3. In productivity software, the most important factor for a potential competitor to Microsoft is the ability to read and write files that are fully compatible with Word and Excel files. The Final Judgment does not adequately require Microsoft to fully document their file formats, so any consumer who does not use Microsoft Office will continue to be at a disadvantage whenever he needs to share a file with an Office using person. Current Microsoft file formats can be read by competing office suites such as Sun's StarOffice or Apple's AppleWorks as long as the files are quite simple. However, any Microsoft Office file that contains more complicated elements such as tables does not display well in other office suites. Therefore, the Final Judgment must be amended to force

Microsoft to fully document its file formats, without including any features in the file format that only Microsoft products can effectively use.

Thank you for your time.
Sincerely yours,
Alex Hill
email: alex.hill@oberlin.edu
OCMR 1201
Oberlin College
Oberlin, OH 44074

MTC–00025651

From: vfaas@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:34pm
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,
Vicki Faas
7021 E Townsend Dr
Highlands Ranch, CO 80126

MTC–00025652

From: Lisa Downing
To: Microsoft ATR
Date: 1/25/02 11:15pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a pathetic slap on the wrist, which will do nothing to restrain a company that has proven again and again that it will do anything to dominate the market, including threatening to strangle its competitors (e.g. Apple, Netscape).

MTC–00025653

From: lorraine snyder
To: Microsoft ATR
Date: 1/25/02 11:39pm
Subject: Mic

Please end the case against Microsoft, now! Microsoft is the gage to the economy in this country! As a country, we cannot afford to have Microsoft attacked! When Microsoft is attacked, the consumers back off from investing! If you want the economy to go under, just keep Microsoft being attacked by yourselves and MONOPOLY'S like AOL WARNER!!! Their Netscape HAS THE MARKET, and they have NEVER BEEN HURT BY THE LITTLE SHARE OF the internet market Microsoft has!

I WANT AOL TAKEN TO TASK FOR BEING AN AGGRESSIVE MONOPOLY!!!! The whole country loves and respects Microsoft except a few of their competitors! All companies have competitors so WHY should this company be discriminated against and allowed to be attacked by their competitors as well as their own country who happily take the tax generated from their products!

Sincerely,
Lorraine M. Snyder
15018 SE Fairwood Blvd.
Renton, Wa 98058

MTC–00025654

From: shawn—hm@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:39pm
Subject: Microsoft Settlement

Please accept this settlement. The charges levied against Microsoft are brought on behalf of competitors and not consumers. Microsoft is a stabilizing force that allows me to know which programs will work with my computer and allows less technical people to have a ''breed'' of software that they are familiar with. Without that, the industry is likely to fragment and become less secure, predictable, and valueble to businesses and consumers. Microsoft has already attempted

to rectify many of the behaviors that have been at issue in the case and this settlement will ensure that they continue to do so. The states that are agains the settlement have no real stake in this case. They're simply attourneys general trying to make a political name for themselves. The DOJ knows that its time to put this issue to bed, as do half the states. Given the economic and social conditions today, it's in everyone's best interest to move on to more pressing issues.

MTC–00025655

From: Steve Pissocra
To: Microsoft ATR
Date: 1/25/02 11:40pm
Subject: Microsoft Settlement

I find the current settlement proposition extremely weak and would like to see harsher penalties levied on Microsoft for the crimes they were found guilty of committing.

Thank you,
Steve Pissocra

MTC–00025656

From: Frank Echanique
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: Microsoft Settlement the proposed settlement is bad idea if they win this Microsoft will only continue to rape the computer community for every penny it can get

MTC–00025657

From: Edward J. Dalton
To: Microsoft ATR
Date: 1/25/02 11:47pm
Subject: Microsoft Settlement

I think it is well past time to close the case on Microsoft and allow the settlement to remain as it is. The nine states that are holding out should be required to accept the DOJ's settlement or receive nothing. It's idiotic to claim that Microsoft charged too much for their software and that consumers are entitled to a refund. I have found Microsoft software to be an excellent product at a reasonable price. How would the states refund any money to the consumers after the state and the weasel lawyers take their share off the top: Pennies, perhaps. They're wasting the government's time and money and they should be stopped. As far as the AOL suit goes, they are far worse then any other computer related company when it comes to shady dealings and overcharging customers. In additon, the program disks they mail to potential customers are the worse form of junk mail and are a nuisance. That suit should be thrown out.

Edward J. Dalton

MTC–00025658

From: Don D Thompson
To: Microsoft ATR
Date: 1/25/02 11:46pm
Subject: MICROSOFT SETTLEMENT

I strongly believe that the settlement agreed to between the DOJ and Microsoft was very fair to we the American people. I urge you to not waver from that settlement.

Don Thompson
POBox 5358
Kent, WA 98064

MTC–00025659

From: Jason Pierce
To: Microsoft ATR
Date: 1/25/02 11:45pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea, and lets Microsoft off with nothing but a wrist slap.

Jason Pierce
www.musmis.com

MTC–00025660

From: trailboss@bigplanet.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:47pm
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,
Tommy Worrell
18725 Bandera Rd.
Helotes, TX 78023–2801

MTC–00025661

From: dfw222@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:49pm
Subject: Microsoft Settlement

I strongly oppose the DOJ recommended settlement in the Microsoft antitrust lawsuit. Microsoft has been adjudicated as an illegal ''Monopoly in restraint of trade'' and the Court's remedy should address that illegal Monopoly by adopting the proposals of the ''9 States'' who have courageously refused to join the DOJ's settlement proposal.

David White
computer user

MTC–00025662

From: Len Frazier
To: Microsoft ATR
Date: 1/25/02 11:48pm
Subject: Microsoft Settlement

I believe the proposed settlement is poorly considered. MS, while in some ways has advanced computing in general, has taken its success and used it to stifle competition and innovation.

I believe that the MS settlement requires much more from both MS and continuing, serious, regulation of the company's behavior. Len Frazier

MTC–00025663

From: Gary Liebe
To: Microsoft ATR
Date: 1/25/02 11:48pm
Subject: Microsoft Settlement

Having read through the ''Microsoft Settlement'' I think that this proposal is a BAD idea , in my job I have the Displeasure of Working on a Windoze Machine running proprietary software. The proprietary software works great and is well written nd intuitive, upon switching back to the Microsoft partition it invariably hangs and / or Freezes. Where I work they have been Dealing with this problem for 10 years. I feel it is only fair to tell you I Am an Ardent APPLE user and from the perspective of standing on the outside looking on as Microshaft slips it to the working public in a most unsatiable condition . Allowing the ''Microsoft Settlement'' to be implemented would be GRAVE ERROR in my Humble opinion.

Zaiphod@earthlink.net

MTC–00025664

From: Walt Jackson
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: Microsoft Settelment

Hello

Dof J This case has gone on way to long,lets conclude it,every thing I have read about thee settlement sounds fair.

Lets move on ,if the other soft companies would focus on development we all win.

MTC–00025665

From: ESBiever@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: MICROSOFT SETTLEMENT
Attorney General John Ashcroft
US Department of Justice

Dear Mr. Ashcroft:

I am writing to have my voice heard during the 60-day public comment, granted to the settlement of US vs. Microsoft and the ongoing lawsuit.

Microsoft has done nothing but prove that the American dream is alive a well, make a better product and the people will buy it. They have supplied our country with affordable and easy to use software. I for one had never had or used a computer, before March of 2000. I purchased a new Gateway w/ windows 98 2nd edition, and I was up and running in just one day. No classes, just learned from what was supplied to me. I AS A CONSUMER WAS NOT HARMED IN ANY WAY!!

Microsoft has contributed greatly to our national gross product, and kept American software standards in constant motion. They have provided thousands of American with jobs. Not to mention the great generosity of the Gates Foundation.

I believe that the lawsuit should be dismissed, if that is not possible, then the closure is absolutely necessary in order to continue the prosperity of our country and implore Senators and local legislators to stand up for the American people and the American principle. Let Microsoft keep doing what they do best, especially considering they've already accepted the proposed settlement forced on them. Keep the Federal Court from having to deal with this nonsense issue any longer.

Thank you for taking the time to read my letter and I hope you, along with other government heads are really considering the American consumer. WE HAVE NOT BEEN HARMED.

Sincerely,
Ed Biever
Sandwich, IL.

CC:speaker@mail.house. gov@inetgw,dick@durbin.senate.g...

MTC–00025666

From: EVERHJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:53pm
Subject: Microsoft Settlement

MTC–00025666—0001

114 Greenwood Drive
Hagerstown, MD 21740
January 25, 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 of the settlement reached between Microsoft and the Department of Justice. This case has been going on for years and I don't see how this issue really represents the consumer interest. Microsoft has hurt no one and it certainly isn't their fault that their competitors aren't as intelligent and innovative. There is already far too much politics in our business and this lawsuit certainly does not provide a good example for future behavior. Money-hungry politicians gave into the complaints of Microsoft's competitors and now taxpayers are footing the bill for a lawsuit that is in no way benefiting them. This settlement, although unfair to Microsoft, fairly addresses the issues of the lawsuit and will indeed restore competition to the computer industry. Microsoft has agreed to share more information with their competitors regarding technology. They will also be making it easier for consumers to configure Windows to access non-Microsoft products. If this does not satisfy Microsoft's competitors, then they are only looking for a break-up and are obviously not willing to compromise. I hope that you make the right decision and accept this settlement to prevent any further tax money being used for selfish and pointless lawsuits. Thank you for your time.

Sincerely,
Hugh Everline

MTC–00025667

From: bev.ted@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:53pm
Subject: Micro Soft Law suite

I feel that any more wasted time investigating Micro Soft will not benefit the General Population, The only ones that will benefit will be a few High Paid Lawyers and Micro Soft Competitors. STOPP THIS NONSENSE NOW!!!

Sincerely T.W. Axtell

MTC–00025668

From: Richard & Sondra Andersen
To: Microsoft Settlement
Date: 1/25/02 11:49pm
Subject: Microsoft Settlement

Richard & Sondra Andersen
221 Mary Place
Muscatine, IA 52761–5503
January 25, 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.

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,
Richard & Sondra Andersen

MTC–00025669

From: Erik Friedlander
To: Microsoft ATR
Date: 1/25/02 11:55pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft in insufficient, and currently a bad idea. It needs to be more restrictive on Microsoft for it to be effective

Erik Friedlander
erikf@cse.ucsc.edu
Admit Nothing.
Deny Everything.
Make Counter-Accusations.

MTC–00025670

From: thaddeus@TheRamp.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:52pm
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,
Thaddeus Wronkiewicz
143 Dolores Drive
Bensenville, IL 60106–3419

MTC–00025671

From: Steve Fox
To: Microsoft ATR
Date: 1/26/02 12:04am
Subject: Microsoft Settlement

I am writing to state my opinion that I think the proposed Microsoft settlement would be completely ineffective with regards to curbing anti-competitive behavior from Microsoft.

I have read Dan Kegel's letter at http://www.kegel.com/remedy/letter.html and I agree with the statements made in this document.

Please consider this email a vote against the proposed settlement.

Thank you.
Steve Fox
4215 2nd St NW
Rochester MN 55901

MTC–00025672

From: George Haeh
To: Microsoft ATR
Date: 1/25/02 11:57pm
Subject: Microsoft Settlement

As a software developer for the past three decades, I have been following developments in this case with considerable professional interest. Well before the advent of Windows, I was deeply versed in IBM mainframe operating system technology and able when necessary as a customer to examine source code in IBM operating systems and program products to diagnose programs or produce modifications.

Microsoft however has a different way of doing business that has been thoroughly documented in depositions and direct evidence.

As proposed, the settlement between Microsoft and the Federal Department of Justice will effectively legalise Bill Gates as the Don Corleone of desktop software. No software firm with any aspiration to profitability will dare compete with any application MS chooses to bundle with its operating system.

Worse still is the prospect that once a new desktop application gains a significant market, the proposed settlement does absolutely nothing to prevent Microsoft with its billions from deciding to write a competing application and bundle it with the operating system, just as they have done to Netscape and Real Networks. If the original developer of the new application is lucky, it will get an offer it can't refuse from Microsoft.

The ultimate economic result will be that Microsoft will become the sole source of new desktop applications. This proposed settlement utterly smothers competition in desktop applications.

Yes—Microsoft sells operating systems (and office software) that just about

everybody is forced to use to communicate with others—but why does that monopoly entitle Microsoft to create all sorts of new application monopolies in browsers, instant messaging, media players ad infinitum simply by including new applications with its operating systems for ''free''?

For consumer convenience, I could find it perfectly acceptable that Microsoft could include an application bundle with their operating system that would be separately priced, just like their Plus! pack.

To prevent propagation of new monopolies, Microsoft should be required to charge a non-predatory price for each separate application (each application could be unlocked through an internet-accessible registration procedure or with license keys separately available at time of purchase). Other software vendors would then be able to compete with their own application bundles made available the same way on a considerably more level playing field. And just as important, every MS-supplied application including MS Office would be built to published operating system interfaces as verified by a master appointed by the court. These interfaces should be made available to outside software developers at the same time they are made available to internal Microsoft application developers (with the proviso that pre-release interfaces are subject to change which will be published externally at the same time as internal publication).

Given Microsoft's key position in the software marketplace, file formats used by its applications and operating systems need to have the same status as programming interfaces to enable the marketplace to compete with equivalent and enhanced products. Do that and you will have real competition and something to show for all the litigation. The previous comments were written before the remedy proposal from the Plaintiff Litigating States was filed. Having read this proposal, I am struck by its simple common sense.

The Plaintiff Litigating States'' proposal is the sensible and straightforward set of remedies that directly addresses the findings upheld unanimously by the Appeals Court and puts competitors on a level playing field that should have come from the DOJ if the Federal Attorney-general was faithfully doing his duty as counsel to his client's best interests, the American public.

George Haeh
643 Logan Ave.
Toronto, ON
M4K 3C4
416–465–2292
ghaeh@idirect.com
CC:Nini Redway

MTC–00025673

From: Dave Karnecki
To: Microsoft ATR
Date: 1/25/02 11:59pm
Subject: Microsoft Settlement

To Whom It May Concern:

Enough already! A settlement has been reached, Microsoft has been slapped ''in the manner that is appropriate''.

What Sun, Netscape, Oracle, AOL, et al need to do is produce a superior product and THEN and ONLY THEN will they gain the increased market share they desire. The courts ARE NOT the place for determining what's best for the consumer and business, the marketplace is. Let's stop the drag and keep those people working! All a prolonged court battle will produce are increased layoffs and job losses.

Respectfully,
Dave Karnecki
Gainesville, Virginia
dck@dasu-ent.com

MTC–00025674

From: beattymp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:59pm
Subject: Microsoft Settlement

Let me begin by saying that I completely support the settlement and want this entire case brough to completion. Below are some thoughts that came to mind while reading the case against Microsoft.

First of all, the whole browser issue is a complete waste of time for every party involved, and it makes me sick to my stomach to think of how much money my government has wasted chasing this irrelevant case. As a technology consultant who has vast experience in many software platforms, the issue of the browser is ridiculous because any programmer worth their weight in beans could easily program their own browser to any operating system. Netscape had a commanding lead in browser share, which was wasted away by their own business policies and made even worse when Sun acquired Netscape. I used to have a lot of respect for Sun when I was consulting on their platform, but then I saw how their pricing and arrogance stifled innovation in the functionality and integration capabilities of the Netscape browser.

This was also true with Java. It was great when it first came out, as the promise of the technology was the sweetest thing to hit the industry in a long time. By keeping such a tight hold on java, Sun has not only missed opportunity to advance the language, but they have kept many companies from innovating the language to provide a feature set that meets the needs of enterprise customers. When Microsoft added to java, they were only meeting the needs of their customers by filling the void in functionality that Sun refused to provide. Other companies have done the same, IBM, BEA, and others to the point that it takes a ''port'' of the code from one operating system to the next. This is completely opposite of what the early promise of java was ''write once, run anywhere''. To meet the needs of my business customers, we always have to find a vendor specific java such as IBM so that we can get the features out of the language that make it usable. If the language was submitted as a standard, these enhancement s would have been made to the language. Instead, Sun has kept the royaltees on all java licensing and has caused the rest of the industry to innovate around their stubbornness. Needless to say, I can better meet the needs of my customers by using another vendors ''flavor'' of java versus the straight Sun implementation.

The thing that bothers me the most about this case is that most of the ''facts'' (using the term loosely since I completely disagree with the previous findings of ''fact'' by the biased judge Jackson) brought to the government's legal team have come from Microsoft competitors, the ones who have the most to gain by hurting Microsoft. I have explained my thoughts on Sun, java and Netscape, and they are just a sampling of why this case should have never made it to the courts in the first place. To blanket this whole case and say that Microsoft is not allowing the industry to innovate is completely ridiculous. Microsoft should be punished for specific actions that have violated the law, and only for those specific actions. Given the amount of venture capital money that was fed into the economy over the last 10 years, there was plenty of opportunity for any company to come to market with new and compelling products. In regards to the settlement, it appears that both sides have made significant concessions to see this to an end. Ever since the DOJ brought this case against Microsoft, the economy has been in a tailspin. It appears that as long as this case is active in the courts, the chains of ''waiting to see what happens to Microsoft'' will remain, and the economy will remain stale. This tailspin has rippled into other industries and if we are ever to start recovering from this recession, this case needs to be completely settled and resolved.

Please bring this case to an end and let our industry regulate itself. If people are seeing unethical or extremely competitive behavior, they can make their own decisions on who to support with their IT dollars. If companies are explicitly breaking the law, punish them for those specific acts and do not bring the rest of the industry down (and in this case, the whole economy) with them.

Thank you,
Michael Beatty
CC:beattymp@yahoo.com@inetgw

MTC–00025675

From: Myles MacVane
To: Microsoft ATR
Date: 1/25/02 11:58pm
Subject: Microsft Monopoly

Dear Sirs:

If owning the rights to copies of an operating system used by 98% of the computers in the country does not, prima facie, constitute a monopoly, I don't know what does. Imagine that Microsoft owned the rights to the internal combustion engine. Much as with their Windows operating system, they could control most of the peripherals: radios, CD players, tape players, and GPS systems, for example, that General Motors, Chrysler, Ford, Honda, etc. could put into their vehicles. A better analogy might be...suppose Microsoft, owning the rights to the internal combustion engine, decide to engineer their engine so that only the gasoline refined by their own oil company worked well in that engine. What would happen to the other oil companies? They'd be kaput! That's just about what Microsoft is doing. Microsoft is basically anti-competitive, and it is the public who suffers.

Myles MacVane
13 Lyons Plain Rd.
Weston, CT 06881–0816
m—a—macavane@yahoo.com

MTC–00025676

From: Rich Wendling
To: Microsoft ATR
Date: 1/26/02 12:00am
Subject: Microsoft Settlement

Finally! I wanted to let it be known that it's a good thing you are finally settling this case. The DOJ has more important things to do than to pursue this matter. Thank you.

MTC–00025677

From: Gerard Jeronowitz
To: Microsoft ATR
Date: 1/26/02 12:01am
Subject: Microsoft Settlement

I am ashamed that the U.S. Government is actually considering this settlement with Microsoft. The settlement as proposed will not accomplish the goal of alleviating Microsoft's strangle hold on the computer retailers and industry at large. Remedy by agreement has not worked with Microsoft in the past, and no-one has gone back to actually follow up with, or enforce previous settlements with the company allowing those agreements to be ignored at will.

Microsoft is a predatory monopoly that stifles any real competition by either purchasing the competition, or eliminating a market by providing a free product and bundling it with their operating system, then forcing retailers to install that software as a default. Microsoft has repeatedly attempted to stall any legal proceedings by any means necessary, attempted to mis-lead the courts with falsified or manufactured testimony, and shows nothing but contempt for the process of law.

I do hope that the court will see through this travesty of a settlement and provide substantive, meaningful, and long term remedy. My suggestion is to break the company in to four smaller entities: Internet (MSN, Explorer, IIS), Media and Entertainment (games, XBox, Windows Media Player), Applications and Operating systems (MS Office, Windows) and lastly, Hardware (keyboards, mice, PocketPC). This mix, though likely seen as drastic by many, would minimize the ability of one company to gain advantage from the work of another and provide for an environment of open, honest competition in the spirit of Capitalism and the open market system.

Action such as this is necessary if TRUE innovation and competition is to continue in the future. Thank you for your time.

Gerard Jeronowitz
3041 N Sawyer
Mesa, AZ 85201

MTC–00025678

From: Luke Lin
To: Microsoft ATR
Date: 1/26/02 12:00am
Subject: Microsoft Settlement

I think the Microsoft Settlement is a horrible plan. It allows Microsoft to overtake the only area they currently do not dominate—education.

Luke Lin

MTC–00025679

From: Donald Fox
To: Microsoft ATR
Date: 1/26/02 12:03am
Subject: Microsoft settlement

I feel very strongly that Microsoft has been unjustly accused and persecuted in the matter of their alleged monoply of computer operating and applications systems. I think it is time to put a halt to this action and proceed with what seems to me to be a very fair settlement.

I don't believe that tough competition should be discouraged in order to protect others from their inability to compete. I believe to do so deprives everyone from using the fruits of that competition. If Microsoft is the one that survives, then so be it. I agree that they should not use predatory and unfair means to achieve their position but as I followed the court actions, it seemed to me that it was not proved that they followed illegal practices.

I strongly urge you to accept the proposed settlement forwith.

Donald Fox
105 Via Eldorado
Warner Robins, GA 31088

MTC–00025680

From: Avi Rappoport
To: Microsoft ATR
Date: 1/26/02 12:04am
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 object to the proposed Microsoft Settlement, the Proposed Final Judgement. I have been personally injured by Microsoft's monopoly practices, both when I worked for a Macintosh OS software developer, and when I worked for a web server developer. In the latter case, Microsoft included a free web server in Windows NT, which made our cross-platform server software entirely uneconomic. There was simply no longer a market for server software, which destroyed the server division of of my employer, Quarterdeck.

As a consumer and small businessperson, I have been hurt by a lack of choice in operating systems and office automation applications. I had to buy a Windows machine to run certain programs, although I prefer to use the Macintosh OS. I know Microsoft Word, Excel and PowerPoint very well, and would not use them if I had a choice. However, to share files with my consulting clients, I am required to pay for these applications.

I believe that any settlement with Microsoft should have the following characteristics:

—It should reduce barriers to development of applications, especially those which compete with Microsoft products.
—It should require Microsoft to publish all secret APIs used by Microsoft inhouse and close partner developers.
—It should require Microsoft to disclose all patents protecting Windows APIs to avoid inadvertent infringements.
—It should allow users to replace Microsoft.NET with competing middleware.
—It should apply to all flavors of Windows which use the Win32 and associated APIs.
—It should require advance notice and documentation of technical requirements and changes to the middleware.
—It should require complete and current documentation of Microsoft Office file formats, and infrequent changes to these formats.
—It should remove any restrictions on Open Source software.
—It should remove any restrictions on Microsoft software on competing Operating Systems.
—It should punish intentional incompatibilities, as Microsoft has used in the past to keep software from running on other Operating systems.
—It should restrict Microsoft from punishing any OEM, especially smaller companies, that do not want to license Windows for all their systems.
—It should disallow discounts based on sales of other products.
—It should have a strong and automatic enforcement mechanism, with some kind of heavy fines or damages for each infringement.

The Proposed Final Judgement fails in all these aspects, allowing Microsoft to leverage its monopoly in operating systems to other aspects of technology and reducing the free market of ideas. I urge you to consider the issues above in creating a fair settlement that is in the public interest.

Thank you,
Avi Rappoport

MTC–00025681

From: lpear16122@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:00am
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,
Lois Pearson
E. 11114 48th Ave. Spokane, WA 99206

MTC–00025682

From: howard(a)tayler.com
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. It will not prevent illegal monopolistic

behavior in the future, and will actually strengthen Microsoft's desktop monopoly, giving them MORE power to illegally exploit that desktop to soak consumers.

Howard Tayler
Orem, UT

MTC–00025683

From: Steve Corwin
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Microsoft Settlement

Throughout this case there's been a lot of talk about Microsoft's freedom to innovate, but what about my freedom to innovate? I'm a profesional software developer with over 10 years experience. Suppose I come up with an idea for a new piece of software, something that most anyone can use. Suppose I start a company to sell it. Under the terms of this agreement, Microsoft is free to release a competing product for free & put me out of business, just like they did to Netscape. Microsoft has almost $38 billion in the bank to fund their efforts. I need venture capital. What venture capitalist will fund me? They know what happened to Netscape. They know what happened to IBM's OS/2. They figure they know what will happen to me. What about my freedom to innovate?

Steve Corwin
steveco@san.rr.com

MTC–00025684

From: Maryln Pedgrift
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Litigation

Dear Mr. Ashcroft,

I wish to express my opinion regarding the Microsoft settlement that I thought was resolved in November. I wish to support this settlement in supporting Microsoft. Otherwise, no one will really benefit if this suit continues. Microsoft is a fair company and has agreed to respect other companies in which is fair and lawful. This company has benefited so many people and consumers will be hurt by a continuing litigation. It has agreed to comply with disclosure for use by its competitors and internal interfaces for the windows operating systems.

Please support the settlement. Thank you so much.

Very truly yours,
Maryln Pedgrift
Maryln@primeline.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00025685

From: Edward W Goodwin
To: Microsoft ATR
Date: 1/26/02 12:08am
Subject: Microsoft Settlement

Dear Sirs:

It is high time that the legal actions taken against Microsoft come to a final conclusion. I strongly support the Justice Department in determining a quick and final solution to this law suit. To continue the delay of a final settlement only enriches the pockets of attorneys and a few special interest groups. This case has gone on long enough. The Justice Department now has more pressing issues to face in light of 9/11.

Sincerely,
Edward W. Goodwin
Greenville, SC

MTC–00025686

From: SDFGOLF@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:10am
Subject: Microsoft Settlement

I want to give my support to settlement of the antitrust settlement between Microsoft, the DOJ, and nine states. To let the greedy states and Microsoft competitors seek to persist in their efforts to prolong this case is plain wrong.

In December of last year I bought a new Dell Computer. WindowsXP and Office 2000 are marvelous. Microsoft is a great company with great products. If competitors developed new products and managed as well as Microsoft they could earn money through their product sales insted of suing Microsoft.

Stanley D. Fuqua
5708 92nd Ave. S. E.
Mercer Island, Wa
98040

MTC–00025687

From: Elaine C. Martinez
To: Microsoft ATR
Date: 1/26/02 12:14am
Subject: Microsoft Settlement

Gentlemen:

Please accept the settlement so that Microsoft can get on with the business of serving the people of this country. It is my opinion that Microsoft should never have been singled out and persecuted as it has been in recent times. I love Microsoft products, and I think Mr. Gates is wonderful for giving people such great software at affordable prices.

The ideas put forth by Microsoft are always geared toward increasing productivity, and everyone should support them so we can all have a better life.

I'm retired now, but I really enjoyed working with some of the computers I used in my jobs as a secretary. I consistently found that the computers I liked were all ''loaded'' with Microsoft products! I hope the courts get finished with Microsoft so that Mr. Gates and his company can get back to business.

Sincerely,
Elaine C. Martinez
Seattle, Washington

MTC–00025688

From: patrick
To: Microsoft ATR
Date: 1/26/02 12:14am
Subject: MICROSOFT SETTLEMENT

Hello

Please expedite this extravagant attorney parade to its inevitable conclusion ASAP.

Do you guys think for one moment our real competitors, the Japanese, the Chinese, the Europeans, would waste any time trying to destroy one of their most successful companies the way we let the parasitic lawyers trash American firms like Microsoft?

Please stop wasting our time and money with this show. Microsoft has helped the world become standardized and productiive.

Please go chase real criminals, like the international drug syndicates ruining our childrens opportunities to even use Microsoft's products. Go chase the importers who are slowly destroying American productive manufacturing jobs. Do somthing that really helps the country, not just the attorneys. The ''Justice'' department just makes me angry.

Yours Truly,
Patrick J. Driscoll P.E.

MTC–00025689

From: weeones3@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:13am
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,
Kathleen smith
9617 S. Bell
Chicago, IL 60643–1626

MTC–00025690

From: Harry Lee
To: Microsoft ATR
Date: 1/26/02 12:17am
Subject: Microsoft Settlement

Dear Attorney General,

One of the most productive companies in the United States is Microsoft. Due to its innovations in software, Microsoft has contributed a good share in the growth of the U.S. and the world economy. However, instead of rewarding for its contributions, it is punished for being too big and monopolistic. In its quest for growth, it may have hurt its competitors, but isn't that the way business operates? In competition, there is always one winner and many losers. But losers may improve and win the next time.

Microsoft has done its part to rectify the complaints against it. It has proposed a solution that will be beneficial to schools and the disadvantaged. It is a cost-effective solution, and it is time to move on. Any additional litigation will only raise the cost of software for everyone. In the end, who really pays? It is the consumer. That is not the way to bring us out of recession.

Thank you for reading this e-mail.
Harry P. Lee
HI-IQ Products, Peizen Industries
P.O. Box 1198
Camarillo, CA 93011–1198
Ph: (805) 484–2454
Fax: (805) 383–5909

MTC–00025691

From: John Battick

To: Microsoft ATR
Date: 1/26/02 12:20am
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to address the matter of the settlement in the Microsoft Antitrust suit. I am in agreement with the current settlement insofar as to say that no further action should be taken against Microsoft. Although I am in favor of accepting the antitrust settlement I believe that it was wrong from the start for Microsoft to have been sued. I do not think that Microsoft should have been penalized; rather, they should be rewarded for their innovation and creativity in the IT field. As I see it, the entire antitrust proceedings were unfounded and unfair to the concept of free enterprise.

Now is definitely not the time to be handicapping an industry leader such as Microsoft with costly and time-consuming litigation. The current downturn in our economy needs the stimulation which the IT field can generate. By tying up both corporate and taxpayer dollars in the courtroom we are depriving the economy of valuable resources, which could be used to help get our country back on track. For these reasons I believe that accepting the current settlement is not only in the best interest of Microsoft, but it also in the greater interest of the economy as a whole.

Sincerely,
Nancy C. Battick

MTC–00025692

From: Daniel P. Brown
To: Microsoft ATR
Date: 1/26/02 12:20am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 25, 2002

Dear Ms. Hesse,

Microsoft is a convicted monopolist. Well, adjudicated monopolist, anyway.

This case should not end without a remedy that restores competition. Any remedy should have four concurrent goals: to put an end to the illegal monopoly; to prevent a return to anticompetitive behavior; to deny the violator the benefits of its illegal actions; and to ensure competition going forward.

Microsoft must be forced to offer a version of Windows unburdened by Microsoft's monopolistic add-ons. The free market, and not Microsoft, must be the mechanism by which emergent technologies are judged. Microsoft must be permanently banned from forcing independent software vendors and internet service providers into exclusive contracts with Microsoft. Allowing a monopolist to withhold platform support from nascent and independent entrepreneurs is antithetical to the functioning of a free market, and strangles, rather than supports, real competition. The appointment of a Special Master overseeing Microsoft compliance must be a part of any settlement. The seed which became the ''second'' multimillion dollar effort to bring Microsoft into compliance with the law was planted with Microsoft's blatant and arrogant disregard of an earlier toothless compliance decree from the government. This remedy will meet the same expensive end if it is not accompanied by adequate enforcement.

Thank you for your time.

Sincerely,
Dan Brown
Saint Paul, Minn.

MTC–00025693

From: ewaldfernbach@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:21am
Subject: Microsoft Settlement

Dear Honorable Judge Kollar-Kotally , my name is Ewald Fernbach, I am working as IT manager for Vector Labs, 30 Ingold Rd., Burlingame, CA, 94087.

Regarding the proposed settlement for the antitrust lawsuit against Microsoft I have the following concerns: The settlement fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. All monopolies must be carefully watched to make sure they don't abuse their monopoly position. Indeed, many monopolies are either broken up or carefully regulated in order to protect the public interest. Why is Microsoft allowed a waiver to this general rule? Does the Justice Department think that Microsoft is going to suddenly change its operating methodology? The proposed deal with the justice department does not address the fact that Microsoft has abused its monopoly and is likely to do so again, and again, and again in the future to the detriment of others.

The proposed settlement does not address Microsoft's proven ability to retaliate against would-be competitors and to, in effect, appropriate the intellectual property of its competitors—and even its partners—in fact all who do business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues. Again, many of us have been on the receiving end of these types of Microsoft bullying tactics. Bolting. The proposed settlement, as far as I understand it, does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft's decision to bind—or ''bolt''—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free in future versions to bolt financial services, cable television, or the Internet itself into Windows.

Non MS standards. The Court of Appeals affirmed that Microsoft had unlawfully and intentionally deceived Java developers and ''polluted'' the Java standard in order to protect its monopoly and defeat competition. Yet, the proposed settlement does not restrict Microsoft's ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software. Indeed, Microsoft's decision not to distribute Java technologies with Windows XP, which hurts developers and consumers alike, will be the shape of things to come under the proposed deal unless the Court requires Microsoft to continue to support accepted industry standards such as Java technologies, even if they do not originate from Microsoft.

Middleware. As part of the proposed settlement, Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsoft's middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitor's middleware, which many users would undoubtedly do, without really knowing what they are doing. If they then would find out that the reinstalled Microsoft product is inferior to the competitors product, they would not have an easy way to fall back to the previous settings.

Communication Protocols. The settlement states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from Windows, or for middleware it has not trademarked. This leaves the door open for ''bolting'' discussed above. If Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the API's and other basic information that is needed by the competitor to ensure its software works with Windows. And without reliable access to 90% of the PC's in the world—no competitor can survive. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in ''their view'' do not have a ''viable business'' (defined as selling at least 1 million units in the previous year).

This loophole will allow Microsoft to hamper new software start-ups from becoming true competitors simply if in Microsoft's ''view'' they are not a ''viable business''. Who can really say which new start-up is a ''viable business''? Certainly this should not be left to the judgment of a voracious monopolist. Lastly, Microsoft does not have to disclose this coding information if Microsoft deems such disclosure would harm the company's security or software licensing. There is no provision to say who is to make this determination, leaving it on a defacto basis up to Microsoft Enforcement of Settlement Compliance. The proposed settlement requires a three-man compliance team to oversee Microsoft's compliance with

the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committee's sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen and will waste taxpayers money.

In conclusion I think that the proposed settlement has nothing to do with justice but represents the capitulation of the judicial system of the USA. The message this settlement sends is: ''you can get away with anything if you have enough money in your corner''. This is a very dangerous and discouraging message for corporations as well as for individuals and will definitely add to the already significant corrosion of the publics trust in their country's judicial system.

To me it looks like with the proposed settlement the Justice Department is trying to pretend that justice has been served, whereas in reality Microsoft was able to put itself above the law. As citizen of this country and as computer user I urge you to do everything to prevent Microsoft from continuing its detrimental business practices. I strongly oppose to accepting the proposed settlement in the form discussed above and I suggest a thorough revision of the whole case.

Best Regards
Ewald Fernbach

MTC–00025694

From: Jack Sperry
To: Microsoft ATR
Date: 1/26/02 12:26am
Subject: Microsoft Settlement
15706 SE 173rd Street
Renton, WA 98058–9106
January 25, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to address the recent settlement between Microsoft and the Department of Justice. I am more than happy with this agreement and think it should stand. Any further litigation will be counter-productive and hamper any chance of revitalizing our economy. I did not support the initial lawsuit. There was no consumer abuse. I use Microsoft products because they are quality products at a reasonable price. What's the problem? If there were other products out there of equal quality and equal price, I would use those, but there aren't. Microsoft's competitors have had the same chances as Microsoft. They just have not been able to perform as well. Hence, they run to the government for a leg up.

I am also concerned with the intervention of government in what is supposedly our free market system. Government is taking the intellectual property of a company, and forcing same to disburse it among its competitors. Why should anyone bother to invent something any more if they know it will be subject to delineation among their competitors if they are ''too successful''? Would you?

Microsoft has agreed to this principle in that it has agreed to disclose for use by its competitors various interfaces that are internal to Windows'' operating system products; Microsoft has also agreed to help companies write software that networks well with their own. Enough is enough. I urge you to give your support to this agreement and allow Microsoft, and this country, to get back to business.

Sincerely,
Jack C. Sperry

MTC–00025696

From: Brent Pickert
To: Microsoft ATR
Date: 1/26/02 12:27am
Subject: Microsoft Settlement

To whom it may concern:

I would like to make my voice heard in the Microsoft Antitrust settlement.

I do not believe that the current settlement will discourage Microsoft in any way from continuing the practices that have led to the trial. I believe that whatever settlement is finally approved needs to make certain that not only is Microsoft punished for their years of law breaking, but also that the settlement puts into place avenues for competitors to make inroads that will add competition to the market. Thank you for your time, Brent Pickert

MTC–00025697

From: mjbgoetz@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:26am
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,
JOYCE GOETZ
32128 CANYON CREST CT.
WESTLAKE VILLAGE, CA 91361

MTC–00025698

From: Florian
To: Microsoft ATR
Date: 1/26/02 12:28am

MTC–00025699

From: Harry P Gallagher
To: Microsoft ATR
Date: 1/26/02 12:28am
Subject: leave Microsoft alone.

without them there would be no computer industry. I started out twelve years ago with an apple 2C and progressed to a PC. Microsoft made it possible for the unsophisticated operator to learn to operate a computer. Without windows there would have been no computer industry like it is today. They built a better mousetrap and the world beat a path to their door. It created a huge industry which benefited the federal government with more tax income due to the many companies that sold computers. Stay off their back and be glad they are in business.

H.P. Gallagher
4738 Collinos Way,
Oceanside, CA 92056

MTC–00025700

From: AL OIEN
To: Microsoft ATR
Date: 1/26/02 12:29am
Subject: DESTRUCTION OF LIBERTY IN AMERICA

TO WHOM IT MAY CONCERN:

IF YOU ARE UNABLE TO COMPETE IN THE MARKETPLACE THESE DAYS, WHINE TO THE GOVERNMENT AND THEY WILL REWARD YOU BY FORCING YOUR COMPETITION OUT OF BUSINESS. ANOTHER TRIUMPH OF THE MOTHERS OF AMERICA.

al

MTC–00025701

From: grouch
To: Microsoft ATR
Date: 1/26/02 12:30am
Subject: Microsoft Settlement

The ''Proposed Final Judgement'' in the case of ''Civil Action No. 98–1232 (CKK)'' appears to be another recipe for failure in a long line of such failures by the Department of Justice with regards to Microsoft. It appears to have no strength with which to interrupt the predatory practices of which Microsoft has been found guilty. It appears to have no ability to restore competition in a market which has been devastated by the illegal leveraging of monopoly power for which Microsoft has been found guilty. It appears completely inadequate to anticipate the future moves Microsoft may make to continue illegally leveraging their existing and expanding monopoly powers.

The provisions of the Proposed Final Judgement appear on the surface to be adequate. However, there are so many exceptions and phrases of ''nothing ... shall prohibit'' that the settlement is rendered little more than a catalog of past behaviors that the Department of Justice meekly requests that Microsoft not repeat, if it's not too inconvenient for Microsoft. One provision goes so far as to give Microsoft an easy way to circumvent all of the provisions regarding APIs; they only have to tie those APIs somehow to security measures and claim revealing those APIs would compromise security. It should be remembered how

Microsoft claimed their browser was a necessary and integral part of the operating system. Even the definitions are inadequate for they allow much leeway for Microsoft to continue expanding their monopoly into other marketing areas.

The Proposed Final Judgement does little to address the applications barrier to entry. Every provision that prohibits retaliation by Microsoft against OEMs, ISVs, or IHVs, includes loopholes concerning security or intellectual property rights which allow Microsoft an easy side-stepping of the prohibitions. Additionally, nothing is done about the network effects of Microsoft products in creating the barriers to competitors. The data formats of all Microsoft software will continue to be a fearsome weapon preventing the use of any competing product. So long as Microsoft is allowed to hold data hostage to its file formats, the monopoly power is assured and can be leveraged to extend that monopoly in other areas. No competitor may make inroads on a network on which Microsoft has established its lock on the customers data. Once again, while the Department of Justice picks nits with the past, Microsoft has moved on to other ways of ensuring monopolistic power over computer users. The findings of fact showed how Microsoft effectively eliminated the threat to its monopoly from middleware products. The proposed final judgement does nothing to remedy this, and in fact section III.H. has two exceptions that handily provide the means for Microsoft to extend its monopoly into the server market with ActiveX ties between Microsoft middleware and Microsoft servers. As for Sun's Java, Microsoft is well underway to using its current monopoly powers to supplant Java with .NET and C#, again outpacing the Department of Justice as it has repeatedly in the past.

I do not pretend to know the protocols and fine points of the legal profession, but it looks like the criminal in this case gets off without paying for the crime and gets to define much of the contraints, or lack thereof, placed on the criminal's future actions. I see no punishment, no restitution, no barrier to Microsoft continuing to harm customers, competitors, and the computing industry in general in this proposed final judgement.

Terry Vessels

MTC–00025702

From: Larry Anderson
To: Microsoft ATR
Date: 1/26/02 12:33am
Subject: Microsoft case comments

I don't believe the current penalties against Microsoft do justice to them for their wrongdoings or for us, as consumers who are seeing as they settle this case they are manipulating the hardware/software industry on other fronts which most likely will lead to more cases against their practices.

The breakup of Microsoft was in my opinion more just as it would unleverage the company from multiple in-house assaults on various markets from its serveral fronts (operating systems, applications, internet, and development tools). The Education idea as mentioned is only a benefit to microsoft in the long run rather than a punishment. I don't think it is fair to tell a compnay to do create something for or support a platform it does not have interest—but if one holds a monopoly, they should be responsible for keeping the playing field stable and open for competition—Microsoft needs to offer inroads for new technologies (publish standard interfacing detail to key operating system and performance features) to make a product that can work with others (and that will still work with others for a significant period of time) or that others can be data compatible with microsoft's without the threat of them just changing the rules and dargging all the hapless comsumers along with them thus leaving everyone else incompatible again. When you have an 80%+ stake in a broad but key technology (the OS) and with the right marketing you know you can get that 80% to purchase any upgrade in two years (i.e. offer corporate/government/educational discounts on newer but slightly incompatible technology, which forces the need for lower level businesses, local government and consumners to upgrade to also be compatible with the higher levels,) whether they really needed to or not.

I think Microsoft has a need to innovate but also live up to its (and its competitor's) promise of ''standard'' so others can use microsoft's ''standard'' to build from without having it turn into the ''old standard'' my MS too soon. If Microsoft continues to ''business as usual'' it will keep costing the conumers: corporate, government, public and private in upgrades and constant re-invention of our technologies and while we keep paying MS for their un-fair practices.

Larry Anderson
San Andreas, CA
(209) 754–1262

MTC–00025703

From: crb
To: Microsoft ATR
Date: 1/26/02 12:38am
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is deeply flawed and will only allow Microsoft to continue its predatory tactics in one form or another. I've spent years trying to circumvent Microsoft's control over my personal computer—for instance, I had to spend many hours figuring out why Netscape Navigator wasn't downloaded when I installed my Mac OS. Finally figured out that Netscape Navigator WAS on the disk, but that I had to install it manually (it was obvious that NN was meant to be hidden from the average user).

Microsoft has harmed personal computer users like me who want alternatives to Microsoft products. I am a fervent user of Apple computers, and I want real choice in the marketplace. If Microsoft is allowed to evade any meaningful sanctions, it will just extend its monopoly power indefinitely. Please punish and constrain Microsoft in some real fashion.

Thank you.

Colette Brooks

MTC–00025704

From: Andrew Stewart
To: Microsoft ATR
Date: 1/26/02 12:35am
Subject: I do not agree

This just a light slap on the wrists to Microsoft. Regardless of the alleged importance to the computer industry. Microsoft should be made to understand that you can not just break the law and bully competitors.

>>>>>Andrew Stewart<<<<<<

MTC–00025705

From: Bob McKenna
To: Microsoft ATR
Date: 1/25/02 11:35pm
Subject: Microsoft Settlement

Please see my attached letter requesting an end to the government prosecution of Microsoft in the interest of American consumers and investors.

Bob McKenna
email address: bobmck@hal-pc.org
Phone: (713) 690–6996
2734 Bernadette Ln.
Houston, TX 77043–1801

MTC–00025705–0001

Robert G. McKenna
2734 Berrnadette Lane
Houston, TX 77043–1801
Januarry 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to request that the government conclude and settle the case against Microsoft. After three years of litigation, too much time and money has been spent in negotiating this case. The investing public has suffered significant losses, as the government has drug Microsoft through the legal system. Continuing this litigation process would serve only to decrease important federal resources and further impact consumers and investors. Microsoft has not gotten off easy in this settlement agreement. The settlement that was reached may not satisfy everyone, but it is in the best interest of all to enact it quickly.

The terms of the settlement agreement are very fair in that they provide for many compromises on behalf of Microsoft. Microsoft has agreed to license Windows at the same rate to the largest PC manufacturers. In addition to this, Microsoft will also disclose all of the information regarding the internal interface and protocols of the Windows system. This allows developers to develop new software and hardware that is increasingly compatible with the Windows system. Moreover the formation of a technical review board will provide for the oversight of Microsoft's further action. This technical board will prevent Microsoft from entering into any anticompetitive behavior. Hence, I believe that the terms of the settlement are fair, further enacting the settlement will benefit the technology industries. Enacting this settlement will help restore confidence in the suffering technology industry. Given the current state of the economy, this is the best course for the Department of Justice.

Sincerely,
Robert G. McKenna
Robert McKenna

MTC–00025705–0002

MTC–00025706

From: DTaylor744@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:32am
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,
David Taylor
3120 E. Westcott
Visalia, CA 93292

MTC–00025707

From: TMM
To: Microsoft ATR
Date: 1/26/02 12:36am
Subject: Microsoft Settlement

To Whom it May Concern,

Please make sure that Microsoft pays the the highest penalty possible for the damage they have done to people by trying to monopolize the computer software industry. Also don't let them make unfair inroads against Apple computer in the education market by ''dumping'' PCs on schools, let Microsoft make cash donations instead!

Thank you,
Tom McGrath
1323 Princeton St.
Santa Monica, CA 90404

MTC–00025708

From: JC
To: Microsoft ATR
Date: 1/26/02 12:37am
Subject: Microsoft Settlement

As an American citizen and an avid computer user I'd like to send my voice in regards to the Microsoft Vs DOJ Settlement.

We all know that Microsoft has abused its monopoly power to harm competitiors and consumers. Judge Jackson & The Appeals Court have told us that. That's not in dispute here. It's what we need to do to prevent further abuse of power by Microsoft that we need to resolve.

What Mr. James and DOJ agreed to in the settlement is nothing but a ''slap in the wrist''. It does not open up competition, it leaves OEMs handcuffed and does not affect Microsoft's behavior in any way. What it does do is legalizes some of the business practices that Microsoft has been thought to be doing illegally.

Microsoft attacks competitors on several fronts. To kill off Netscape and RealPlayer they simply bundle their own competing products in Windows and stops OEM from bundling competing products. They refuse to offer a version of Windows without their own ''middleware'' programs. They use a different method to kill of competing Operating Systems. First they prevent OEMs from setting up dual-boot systems. Thus that effectively eliminated OS/2 and BeOs out of the market. Those two products were far superior to Windows but Microsoft flexed its antitrust muscle to knock them out.

What does Mr. James offer as a solution to this problem? He forces Microsoft to normalize Windows license prices. But the loophole is that Microsoft can punish OEMs by inflating the cost of Microsoft Office licenses or can simply refust to licese Windows. So that remedy has no effect. Next he opened up OEMs to bundling competing middleware applications. But Microsoft will not have offer a version of Windows without the apps bundled. I guess that's enough of all this explanation, I'm sure you've heard everything already. As a computer user who has followed this case very carefully from the start and know all the ins and outs, I know this ''deal'' is a raw-deal for the consumers and competitors. Remember the DOJ has won this case in trial, there is really no reason to settle for a slap in the writst now. You could've done that years ago.

Why waste the effort that was put into the case? Just my 10 cents.

MTC–00025709

From: silverhaired3@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:39am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

This settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Bohdan (Don) Tuziw
3108 Coffey Ave
Bellevue NE 68123–1331
PH: 402–291–7177
e-mail: silverhaired3@juno.com

MTC–00025710

From: Olivia Stalter
To: Microsoft ATR
Date: 1/26/02 12:39am
Subject: microsoft settlement Letter sent.
Olivia Stalter stalter@tscnet.com

MTC–00025711

From: Clifford R. Earle
To: Microsoft ATR
Date: 1/26/02 12:41am
Subject: Microsoft Settlement

Dear US Department of Justice and States Attorneys General: I must say, after following Microsoft in the press for the last few years, and the antitrust action specifically, that the proposed settlement in this case seems to do be a poor solution. The reasons are various, ranging from the settlement's poor definition of ''covered OEM''; to the too-limited 14-day protection of an OEM's desktop configuration; to the exceptions for invocation of Microsoft Middleware; to impossible conditions for membership in the Technical Committee; to the appointment of an *internal* (?!) Microsoft compliance officer; to the impractical limitation of a one-time only extension of the final judgement; to a confusing and contradictory definitions of Microsoft Middleware, Platform Software, and Windows Operating System Product; to a limiting and back-looking definition of personal computer; to the lack of any language whatsoever that prevents the whole agreement from being rendered null and void if only part of it is—all of which are avoidable or even exploitable by a company which seems to know little, if any, shame.

Please do not allow such a flawed resolution to a solid case.

Best regards,
Clifford R. Earle
Sunland, CA

(California, West Virginia, and the District of Columbia were excluded from the cc line only due to their regretable use of on-line feedback forms rather than e-mail addresses.)

CC:attorney.general@po.state.ct.us@inetgw,ag@oag.stat...

MTC–00025712

From: cgmccurdy@aol. com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:39am
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. 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,
Cynthia McCurdy

920 Brookwood Dr.
New Albanyh, IN 47150

MTC–00025713

From: Robin Harding
To: Microsoft ATR
Date: 1/26/02 12:42am
Subject: Fw: MSFT Settelment.
From: ScubaNark@aol.com
Sent: Friday, January 25, 2002 2:38 PM
To: barkerj@3-cities.com;
tcox@ctc.ctc.edu;
Popcox13@aol.com;
ronandcec@msn.com;
hagajim@yahoo.com;
Rmespinola@aol.com;
Neil—Middleton@lambweston.com;
RPerez7581@aol.com;
sunshinecandle@hotmail.com;
samandrosie@home.com;
Sandychip@aol.com;
springen@concentric.net
Subject: MSFT Settelment.

Following is a letter I am sending to the attorney general in support of MSFT case settlement. If you agree in settlement and would like to forward, following is the Email address etc.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/

www.usdoj.gov/atr/cases/ms-settle.htm

January 25, 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 United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit. This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States . Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world.

Computers are now in virtually every household and bussness in the country. Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations. Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle the case. The settlement agreement the parties negotiated is fairly reasonable.

It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.
Sincerely,
Roger CoxGet more from the Web.

MTC–00025714

From: FC003@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:43am
Subject: Microsoft Settlement

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued, and I believe, that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

I am aware that the Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable. In my opinion it appears that a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

Respectfully,
Perry L Phipps
1418 Virginia Ave
Severn, MD 21144–2632
CC:FC003@aol.com@inetgw

MTC–00025715

From: Lois Cope
To: Microsoft ATR
Date: 1/26/02 12:43am
Subject: AOL has surprised many of its former ''constituents''

Sirs:

I am very disappointed to learn that AOL has just filed another lawsuit against Microsoft. It has gotten to the level of ''silly'', jealous behavior. As it happens, I was one of AOL's first customers I think in the early eighties, when I was using an Apple II in business. Steve Case is a native of Hawaii and I've been very proud of him as a former classmate of one of my daughters.

When the company needed money and offered ''deals'' if people would advance them funding, I personally did so. Eventually, however, I dumped the Apples and went to the Microsoft equipment because it was more reliable as well as for many other reasons. I eventually have ''dumped'' aol but use another of their products, Roadrunner, the broadband part of the business as do all the power users I know. To see them turn on Microsoft, which lent them I think $150,000,000 a few years ago when they needed it is really shocking. There is no reason all the software equipment cannot be used together if desired.

I see no reason to give into them now, when the very reasonable settlement has been reached. It is a frivolous lawsuit which appears to have been brought by losers.

Thank you for listening and good luck in your endeavors.

Aloha,
Lois P. Cope
808 488–9413

MTC–00025716

From: Marjoroie Dale
To: Microsoft ATR
Date: 1/26/02 12:44am
Subject: letter to Ashcroft

Letter has been sent on Microsoft's behalf. Hope it helps!

Marjorie Dale

MTC–00025717

From: mom2000
To: Microsoft ATR
Date: 1/26/02 12:45am
Subject: Microsoft Settlement

Gentlemen,

In my humble opinion, it seems Microsoft's competitors are doing everything they can to leverage the Justice Department to do what they could not do in a free market (increase their market share on their on merits). If we the consumers (the market place) did not prefer Microsoft's products over its competitors; and it does have competitors, they would not be the market leader they are today.

With that said, I admonish, that the penalties not penalize Microsoft for its market share, but, only for those areas of liability it should bear for any illegal or proven unfair business practices.

Thank you for all consideration.
MKTG. OPTY=$$$
Marketing Opportunities=Money!
Michael Larkin, IT Executive
1331b Crique Way
Roswell, Ga. 30076–5232
770 641–6591

MTC–00025718

From: Glen Richardson
To: Microsoft ATR
Date: 1/26/02 12:54am
Subject: Microsoft Settlement

I fully support the proposed settlement between Microsoft and the DOJ. Let's end this now.

Glen Richardson
Fort Worth, Texas

MTC–00025719

From: Myroslawa Tuziw
To: Microsoft ATR
Date: 1/26/02 12:50am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all

Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

This settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Myroslawa (Myra) Tuziw
3108 Coffey Ave
Bellevue NE 68123–1331
PH: 402–291–7177
e-mail: MIPKA@juno.com

MTC–00025720

From: pricerob@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:53am
Subject: Microsoft Settlement

Dear Sir or Madam

I find it absurd that Microsoft should be permitted to provide to public institutions their operating system and other software as well as hardware that is specific to running their operating system in lieu of a pure cash settlement. Accepting this settlement offer only strengthens Microsoft's monopolistic position and paves the way for further abuses within an environment in which they are not historically strong (i.e. schools). In the long run this will stifle innovation and contribute to a lack of diversity of computer operating systems and hardware. This in turn will make the computing infrastructure more vulnerable to cyber attack and the damage such an attack would produce would be more severe. I urge you to resist the proposed settlement and make the settlement for their illegal activities a true and just settlement which will undo some of the harm Microsoft has inflicted on the computer industry and on consumers. Do not be taken in by this transparent attempt by Microsoft to turn their defeat into their victory.

Sincerely
Robert Price
Research Scientist

MTC–00025721

From: Mike Ryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 1:00am
Subject: Microsoft Settlement

Dear DOJ

I urge you to settle the case with Microsoft. The consumer was not hurt by their market dominance. I was actually helped.

As an engineer at a company of 850, when computers first came to the office only the lucky few who had bosses that liked computers could get all of the software they wanted since each item was sold separately and you had to justify each one. And what a mess it was. Some were using non-compatible programs and not all of us had that great boss and could only get minimal software. Then Microsoft started bundling all of the great programs together and the price came way down. Not only that, we all were given ''Office'' and everyone had compatible programs and everyone had all of the great applications not just the privileged few. So please tell me how did that hurt me. And this browser question, what a bunch of BS. I used Netscape for a long time. Everybody had that option. Anybody with a computer could down load it from their web site. But after a while it just did not have as many features as MS offered. So I switched to the better program. So how did I get hurt? I didn't. Look at Apple, they have a great computer but they always built it themselves and charged too much for both hardware and software. They did not allow clones, which by the way produced the great computer revolution we know today. So I bought a lower cost computer with lower cost software. So how did I as a consumer get hurt? I didn't. Please settle the case with Microsoft and let them continue to produce great software for the consumer at a great value.

Mike Ryan
Bellevue WA
425 641–6920

MTC–00025722

From: Clay C.Landis
To: Microsoft ATR
Date: 1/26/02 12:57am
Subject: Microsoft Settlement

Any company with this much contempt for the laws of our nation should been taught a lesson. Microsoft's monopoly has hurt the development of computing and created an atmosphere where smaller developers simply give up on projects instead of trying to compete with a company willing to do whatever it takes to beat them for no other reason than to beat them. Microsoft produces products that are full of programming errors and poor security that has cost many companies, schools and government offices millions if not billions of dollars. They are not an asset to this country, they are a cancer. And no settlement that adds to Microsoft's monopoly should be considered.

Clay C. Landis

MTC–00025723

From: Tim Lewis
To: Microsoft ATR
Date: 1/26/02 12:57am
Subject: Microsoft Settlement

To Whom It May Concern:

I am vehemently opposed to the current proposed Microsoft settlement. I believe it is nothing more than a slap on the wrists, and that it does nothing to curb or even dissuade Microsoft from future abuses of its monopoly powers. Microsoft has already repositioned itself so that if the current proposal is left unaltered, they will have already slipped themselves through its monstrous loopholes!

Anything short of a breakup of the type ATT experienced will not bring sufficient competition back to the market. As long as Microsoft has the dominant share of the market, they will continue their illegal abuse of monopolistic power.

Thank you for listening.
Sincerely,
Timothy W. Lewis

MTC–00025724

From: joy.holt@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:56am
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,
Joy. Holt
2210 S. 50th St.
Kansas City, KS 66106

MTC–00025725

From: Marcia M Clarke
To: Microsoft ATR
Date: 1/26/02 1:00am
Subject: MICROSOFT SETTLEMENT

I would like to express my view point regarding Microsoft. I feel consumer interest has been well served and it is time to end this damaging and costly litigation against Microsoft. Please accept the proposed settlement as fair and in consumer's best interest. Feel the settlement will have a very positive impact on the American Economy which is so greatly needed at this time.

Thank you.
Marcia Clarke

MTC–00025726

From: Lyn—Hiatt@berlex.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:01am
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in order to express my opinion regarding the three-year-long antitrust suit involving the Department of Justice and Microsoft. I do not feel that the suit should have been brought in the first place, but since it was I now feel that it is time for it to come to a close. Microsoft has done their part to bring this matter to a close. They have agreed to terms and conditions that were not even in the original suit.

Every company has a right to explore opportunities and every company's goal is to

dominate their marketplace. Microsoft did that. Their competition is angry that they have been left behind. Yes, Windows is the dominant operating system. Due to many factors, including the fact that Microsoft developed relationships and contracts with hardware manufactures and other companies to bundle products. This is common practice in a competitive market. There are other products on the market from which consumers may choose. Consumers choose not to alter the operating system that came with their computer, but they may if they wish.

Microsoft dominates the market because they have the best product for the money. If it were not for Microsoft, I do not believe I would be writing this to you on a computer smaller than the size of my father's first adding machine.

In my mind this suit was unnecessary and unwarranted in the first place. Now I feel the Department of Justice needs to support the settlement and bring a close to all further litigations. Microsoft has done more than what was necessary in this situation.

Sincerely,
Lyn Hiatt
8714 13th Ave. NW
Seattle, Wa 98117

MTC–00025727

From: noel vaneynde
To: Microsoft ATR
Date: 1/26/02 1:03am
Subject: Microsoft Settlement

To whom it may concern,

Please note my dissatisfaction with the Proposed Microsoft Settlement. I have been an active Macintosh user for over 10 years and the actions that Microsoft has taken to limit access to their systems and their barrier to entry into competitive operating systems has caused me and my business great trouble over the years.

The settlement in it's current form will only succeed in strengthening Microsoft's hold on the educational markets and make the current problems worse.

I would be willing to discuss these matters further with you at your request.

Thank you for your attention.

Sincerely,
Noel VanEynde
Afterimages Film & Video
W: 312–661–1122

MTC–00025728

From: Alice Schafer(MITRE)
To: Microsoft ATR
Date: 1/26/02 1:04am
Subject: Microsoft Settlement-Not tightly drawn!

I think that the Microsoft Settlement leave too many loopholes for MS to use. Do not go through with it!

Sincerely,
Alice Schafer
11 Flagg Rd.
Acton, Mass 01720

MTC–00025729

From: Guy Groner
To: Microsoft ATR
Date: 1/26/02 1:05am
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 a Certified Internal Auditor (CIA), Certified Information Systems (CISA) and CISSP, a member of the Institute of Internal Auditors, the Information System Audit and Control Association and Information Systems Security Association. I have 18 years'' experience is managing and auditing computer systems from microcomputers to mainframe computer. I would like to comment on the Proposed Final Judgment in United States v. Microsoft. 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 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. Additionally, in the the computer security field already have to deal with the heightened risks associated with the numerous viruses and ''hacks'' of Microsoft software due to their dominance in the market. The risks of a monopoly are greater than merely the loss of competition.

Sincerely,

Guy Groner, CIA, CISA, CISSP, Wheaton, Illinois

MTC–00025730

From: Daniel Voran
To: Microsoft ATR
Date: 1/26/02 1:10am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am sending this email to comment on the Microsoft Settlement about the pending settlement between the United States Government, several individual states and Microsoft Corp.

I find the settlement to be too lenient for Microsoft. The settlement does not do nearly enough to control Microsoft's monopoly. Microsoft is now trying to take control of the internet through its .net initiatives. A more appropriate settlement would have been to split Microsoft into three or four companies. The proposed settlement is just a slap on the wrist for the company and if it is approved, Microsoft will continue its monopolistic practices to the detriment of the computer industry.

Daniel Voran
dan@hjmag.com
Avenue Services, Inc.
PO Box 23219
Seattle, WA 98102–4105
206–325–4250

MTC–00025731

From: ROBERT WARREN
To: Microsoft ATR
Date: 1/26/02 1:11am
Subject: DOJ—Microsoft

Dear DOJ,

Over the past 20 yrs one cannot help but see the Lawyer Organization may mean well, but the road to hell is always paved with half-truths. It's sad to see this stand-off has nothing to do with the well being of the people. In a comical way, it appears our States are employing a reverse Enron run. Please think of America's future in your decision, we have enough economic stress.

Sincerily,
Bob Warren
Towaco NJ.

MTC–00025733

From: Mtnmegan1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:14am
Subject: Microsoft settlement

Please finish negotiations and make a settlement soon. It is not beneficial to the public or to seniors to drag this litigation on any longer. The proposed settlement seems fair.

Thank you,
Megan Duffy
Breckenridge, CO 80424

MTC–00025734

From: Ray W Daugherty
To: Microsoft ATR
Date: 1/26/02 1:15am
Subject: Microsoft Settlement

Honorable Judges:

It is high time that this subject is laid to rest. In my opinion it never should have been started in the first place and accepted by the courts. I believe that the patent rights laws should have given protection to Microsoft for what they developed in their own laboratories. The drug companies have protection, why not Microsoft too? Ford and or Chrysler cannot sue General Motors to have them release the specific plans used to develop and produce the very efficient Cadillac 32V Northstar engine, can they? So, how come a competitor of Microsoft can do what they are trying to do?

The sniveling competitors that did not have the expertise to develop the programs on their own should have not even been listened to. They should even be charged for all the expense that Microsoft has been shackled with to defend themselves.

If someone develops a better mousetrap, he is entitled to any and all net proceeds that he can derive from it to compensate him for his time, efforts and ingenuity in developing it. The same principle should also protect Microsoft from undermining by unhappy competitors. They are entitled to any and all profits for their efforts! Enough said! I will be eagerly observing what happens with this matter!

Ray W. Daugherty
RayWDaugherty@juno.com
From: lists@senior.org
To: raywdaugherty@juno.com
Date: Fri, 25 Jan 2002 17:21:20-0500
Subject: SENIORS COALTION URGENT ACTION ALERT Microsoft and big government
Message-ID: <200201252221 g0PMLKK19835@seniors.2rad.net>
URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT.

Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest. Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mdash;mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms—settle.htm

Raising your voice now on this issue really will have an impact.

Thank you for your time.
Mary M. Martin
Chairman and Executive Director
The Seniors Coalition
CC:RayWDaugherty@juno.com@inetgw

MTC–00025735

From: William Glover
To: Microsoft ATR
Date: 1/26/02 1:12am
Subject: Microsoft Settlement

I disagree with the Proposed Final Judgement (PFJ).

The judgement 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.

MTC–00025736

From: The1stBA@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:17am
Subject: Microsoft Settlement..

This is THE most obtrusive, ridiculous and annoying.. I do subscribe to AOL, but that is short lived I am sure.....I am a 72 year old widow, and have owned a pc for 3 years....prior to that I had never even sat in front of one... Clicked in to AOL, and I am still there....It is easier because I know it.....Well, guess what.....not for long. I have the ability (and did) download the XP from the ME, so I am not a real dummy. Our Mr. Gates is the why we are here from the beginning.....hats off to him...We owe him SO much. For God's sake.....how about a little credit where a lot is due. I cannot imagine that anyone has read, or will read this e

—mail, BUT....again, thanks that things ARE finally beginning to ''Open UP''...i.e.....ENRON/Anderson, etal.

I truly hope that this is just the beginning.....Bill Gates/Microsoft....NO problem...

(Yes, I am a shareholder—50 shares!!!).
Barbara Ann Wilcoxson

MTC–00025737

From: Charlotte
To: Microsoft ATR
Date: 1/26/02 1:21am
Subject: Microsoft Settlement

Your Honor,

I do not know how a company that has been found to be a monopoly, and a vicious one at that, can be dismissed with a settlement. I believe the behavior was criminal, and yet no criminal remedies have been pursued. I do not see how monetary punishments would bother this company, nor provide incentive to change.

Perhaps they could be required to use the money to buy and distribute their competitors products well into the future. I believe that would bother them far more, and maybe enough to change.

Sincerely,
Charlotte Davis

MTC–00025738

From: Ilya Sandler
To: Microsoft ATR
Date: 1/26/02 1:21 am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00025738–0001

Dear Sirs:

I am respectfully submitting the comments below in hope that the settlement conditions would be strengthened to more efficiently prevent Microsoft illegal behavior and encourage competition in software industry.

I am a professional software engineer with a PhD degree in Physics. I have worked with both Microsoft and non Microsoft products. I am deeply concerned about destructive effect of Microsoft on competition in software industry. (The company I am working for is not in software industry and is not competing with Microsoft)

Sincerely yours,
Ilya Sandler
isandler@friends-partners.org

III.A. Microsoft shall not retaliate against an 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;

The requirement should be expanded to cover any Microsoft business partners (not just OEMs). OEMs are not the only channel through which Microsoft can illegally protect and expand its monopoly. An example of non OEM partner would be America Online and Apple: by threatening to withhold some critical services from these companies Microsoft forced them to replace Netscape Navigator with Internet Explorer as a default browser. In ''item 1'' the phrase ''any Non Microsoft Middleware'' should be replaced with ''Any Non Microsoft Software'' and ''competes with Microsoft platform software'' should be replaced with ''competes with any Microsoft software''.

Microsoft should not be allowed to use its monopoly power to interfere with Non-middleware non-platform competition. Item 2 should be expanded to include (c) will have no Microsoft operating system installed (either will have an alternative operating system or have no operating system at all, many computer users would prefer to do installation themselves)

Obviously, without this addition Microsoft is free to retaliate against anyone who ships a Linux only PC (or a PC without Operating System).

III B. Microsoft's provision of Windows Operating System Products to Covered OEMs shall be pursuant to uniform license agreements with uniform terms and conditions

MTC–00025738–0002

There are two kinds of monopolistic behavior which this measure could prevent (a) using existing monopoly in one market to gain a monopoly in another market (b) use its monopolistic position to maintain artificially high retail prices (in particular, forcing unnecessary upgrades) (a typical scenario for (b) works like this: a few key partners are given the latest MSOffice product for a very low price, this latest product uses file formats different from formats of the previous product. So soon there are documents flying around in this latest format and the only way to read them is to upgrade existing MSOffice with upgrade costs in hundred of dollars per seat) Behavior (b) is possible only when there is no competition. In competitive market such a behavior is impossible (e.g. repair/service/most of spare part business of Toyota cars is not controlled by Toyota: Toyota has almost no pricing power over ''post-sale'' service market) suggested modification 1:

The proposed measure prevents behavior (a) but only partially. Operating Systems are not the only product where Microsoft can use threats of existing license termination as a way to push another product. For example, very few companies may afford to lose MsOffice licensing. Thus Microsoft should be required to uniformly license any product where Microsoft holds a dominant market position (the list of such software should be reviewed regularly and at present it definitely should include all of MS Office components (Word, Access, Excel, PowerPoint). suggested modification 2:

The proposed measure does not address behavior (b) at all. So I propose that the uniform/non-discriminatory licensing covers ALL sales/licensing of specified products (not just sales to ''Covered OEMs''). For example, if a covered OEM can buy 1 million of Windows licenses for $5 millions then anyone (including resellers) should be able to buy 1 million licenses for the same price.

This also means that Microsoft should not be able to require a buyer of its software to ship it with a new PC—software can be sold separately. (this should apply to the end user too) This modification greatly reduces Microsoft monopolistic pricing power. An important consequence of these modification (non-discriminatory licensing of specified Microsoft products to all with an explicit permission to resell) is that this would make sections III.A and III.F mostly redundant, as Microsoft will not be able to retaliate against anyone if everyone has non-discriminatory access to all critical Microsoft products.

III.C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:''

The words ''any OEM licensee'' should be replaced with ''any licensee'' (including the ''end users'', see comments to III.A for rationale). The list of activities which any Microsoft licensee should be free to do, should be expanded to include (1) use any Microsoft product in the manner customer sees fit (e.g. run MsOffice under Wine Emulator on Linux operating system, Microsoft however should not have any obligation to support any non-standard environment)

MTC–00025738–0003

(2) resell (with destruction of original copy if applicable/ any Microsoft product at any price

(3) License, use, distribute, promote, develop, sell, support any non-Microsoft products in any lawful manner customer sees fit. Similar comments apply to sections III.F, III.G and III.H In general, my suggestion would be to avoid differentiating Microsoft users into many categories (IHV, ISV, OEM, ''Covered OEM'', ''end user'') and granting every category specific rights and instead grant uniform rights to all users. This would simplify both the judgment and its enforcement (as there would be fewer conflicts) >>>

III.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 operating system product) with a Microsoft server operating system product. <<<

While this is a good measure, it is made nearly meaningless by the III.I section and III.J.2 exception. (See below for III.I and III.J.2 comments) Instead of subjecting disclosure to III.I section, disclosure of protocols information should be subject to ''Interoperability Information disclosure'' suggestion below.

Furthermore, the waiting period should be eliminated (the disclosure should begin immediately after the Final Judgment is accepted by the court).

Suggested Interoperability information disclosure. (mostly supersedes III.I and III.J.2)

No competition is possible in software unless a would-be competitor has enough information to interoperate with existing software and especially with Microsoft's. Thus conditions on which the interoperability information is disclosed are extremely important.

The proposed final judgment essentially requires (in section III.I) a would be competitor to negotiate with Microsoft to gain access to interoperability information. This—allows Microsoft to greatly complicate a would be competitor's life—gives Microsoft an ample advance warning of a potential competitor and section III.F.2 gives Microsoft explicit power to allow/disallow competition in many (potentially, all) cases.

Using the car analogy: to manufacture cars which can compete with and provide a drop-in replacement for Ford cars, one does not have to negotiate/enter into any kind of agreement with Ford. Similarly , software developers developing products competing with Microsoft's ones should not have to negotiate/enter into any kind of agreement with Microsoft, even more so, given Microsoft's history of antitrust law violations.

So I suggest that all the information necessary to interoperate with (thus allowing development of viable alternatives for) Microsoft products should be as easily and widely accessible as possible.

The only feasible way to ensure wide and easy access to this information would be to publish it on the web with the following conditions: (approximately in the order of importance)

(1) it definitely should not require *any* kind of agreement (in particular, no mandatory registration) between the reader/implementor and Microsoft (basically, anyone should be able to read it and implement a competing product it without ever talking to Microsoft)

(2) access to it should be free.

(3) Microsoft should also allow

(a) mirror the documentation verbatim (clearly separated comments should be allowed)

(b) translate it into other computer readable formats (e.g. from MSWord to HTML or to pdf)

(c) translate it into other human languages (and publish the translation)

This disclosure requirement should definitely apply to information mentioned in section III.D (API disclosure) and III.F (network protocol disclosure). It should further apply to File Format disclosure discussed below.. This disclosure requirement does not apply to any information which is not related to interoperability.(for instance if a MSWord utilizes a unique Spell Checker, Microsoft does not have to disclose how the Checker works) This requirement of free access to disclosed information has some obvious consequences:

—Microsoft would not be able to enforce any patents if may have on interoperability information (file formats, network protocols, APIs) (it still may hold and enforce patents on specific implementations of those interfaces)

—if disclosure of interoperability information requires disclosure some 3-rd party information, then Microsoft will have to either drop the product or change it so that 3rd party information is not needed or renegotiate with the 3rd party to allow information disclosure.

The information disclosure procedure suggested above eliminates many potential conflicts between Microsoft and an information request or.

I want to emphasize that having to enter into any kind of negotiation with Microsoft to even start developing a competing product is a major entrance barrier (and this barrier does not exist in most other industries!) and the only way to remove it is to grant a free and easy access to interoperability information as outlined above. >>>

III.J. No provision of this Final Judgment shall:

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..

(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 .... <<<

While an obvious intention of this clause is to prevent piracy/security breaches, such a prevention is not in any way related to this antitrust case. For instance, if a Windows Media Player can play certain content, Microsoft should provide enough information to implement a competing player with exactly same functionality.

If the competing player provides some extra functionality, then whether or not such an extra functionality violates some other law (such as DMCA) should be a separate (and independent of Microsoft antitrust case) issue.

Furthermore, ''authentication/authorization security'' is an extremely broad concept. For instance, Windows file sharing protocol includes some authentification as do many other protocols (including such wide spread ones as ftp and http which are used on the Internet), so these protocols seem to fall under III.J.2. Which makes section III.F (Network protocol disclosure) dependent on meeting III.J.2 requirements.

Then it should be obvious that III.J.2(b, c, d) requirements give Microsoft enough freedom to never disclose anything (or disclose with a significant delay which is almost the same): consider these scenarios

(1) a startup company will not meet (b) and (c)(business might not seem reasonable or viable)

(2) R&D department of a large company may want to prototype something without specific plans for a specific product (if the prototype succeeds, then the product will go into planning) this will fail test (b)

(3) Microsoft gets a convenient advance warning of any potential competition

(4) requirement (d) allows to delay introduction of any competing product.

(5) open source competition (such as Linux which Microsoft cites as THE threat both in and out of court) would not meet (b) and (c) requirements

(6) Nearly any software feature can be recast as having something to do with security, anti-piracy, or authentification.

In short, I believe, that section III.J.2 is not needed and in its current form it essentially negates any information disclosure requirements which exist in this judgment. Section III.J.2 should be dropped Disclosure of file formats.

Microsoft should disclose its file formats: first and foremost for Microsoft Office applications (where Microsoft already has a dominant position and possibly *all* file formats used by any software sold by Microsoft. I want to emphasize that file format information is needed for competitors both to MSOffice products AND to Windows Operating System (such as Linux or Solaris)—no competing Operating system stands a chance on a desktop if there is no application for it which can read already existing documents in MSOffice format (and provider of a competing Operating System can not (and should not!) rely on Microsoft to port MSOffice to a competing operating system). Disclosure of file formats would significantly reduce artificial barriers for competitor entrance for both office and operating system markets.

I worked as Director of Windows Products Engineering for Borland International (later to be known as Inprise) in 1997 and 199%. During that period, I was responsible for ''the Microsoft relationship'' and worked with Borland's attorneys on contracts and other matters with Microsoft. I was asked to contribute my thoughts about Microsoft's anti-competitive behavior during this time, and I wrote the following memo in April of 1998. Its primary message is that Microsoft has never been a proponent of innovation, nor a particularly keen innovator. The same can also be said of the other monopoly force in the PC industry, Intel. However, a big difference between the two has been Intel's strict observance of the law and Microsoft's attempts to circumvent the law. While I was at Borland, several times Microsoft proposed that we sign agreements that forced us to recommend and distribute Microsoft's Internet Explorer to our customers—we ALWAYS red-lined these parts of the agreements.

The bottom line is that this probe could have gone further. Prior to Borland, I spent 11 years with Digital Equipment, now a part of Compaq. During that period, I was exposed to Microsoft's tactics in negotiating licensing of their operating system software to PC manufacturers. You've seen testimony of some PC vendors about this. Microsoft has been able to deliver flawed software to these manufacturers while dictating terms that

force the manufacturers to assume most of the technical support burden.

The current remedy being proposed does not go far enough, particularly with a company that has made an art of working around the law. I was very disappointed that a structural remedy was not part of the solution, and I hope that the oversight of the proposed remedy is strict and vigilant.

Thank you,

Joe Falcone

Half Moon Bay, California

A few things that have gone wrong in the PC industry... PC's have never been high tech.

The operating systems are years behind the times in features, scalability and robustness. As Microsoft tries to prove the enterprise-quality of their software, this has become obvious. No Microsoft software is ready for 7x24 operation. When Microsoft made their big pitch for the Enterprise, they committed themselves to run Microsoft on their own products—Windows NT Server, SQL Server, Back Office, etc. Word on the street is that Microsoft is too big to run themselves on their own products. The obvious solution is to go with the flow and put Oracle's DBMS in—but Oracle won't sell to Microsoft for competitive reasons. So this is one of the reasons why the rumor circulated that Microsoft was going to buy Informix (it still could happen). Although this would allegedly buy Microsoft an enterprise-class database engine, the classic Informix relational database product is old (it's been compared to Oracle 6—two generations behind Oracle's current product). Microsoft is between a rock and a hard place.

Some number of Microsoft products are not Y2K safe (Year 2000). And any strong mention of this in public is suppressed—an academic who was collecting Y2K software problem reports on a web site was sent a ''cease and desist'' letter by Microsoft's legal department. Only Microsoft knows what is good for Microsoft. PC hardware is crude and primitive. I/O buses are slow, difficult to expand, and tricky to design for. For example, some first generation PCI option cards will not work with recent PCI motherboards. This is because the PCI spec was driven largely by Intel to fulfill their agenda. Alternative views are co-opted—Digital's PCI bus committee rep was hired away by Intel early in the program.

The only time Intel had the world's fastest microprocessor was when they had the world's first and only microprocessor. Once other vendors entered the game, the mediocrity of Intel's architectures came to the forefront. The fact is that Intel is a relative newcomer to the computer architecture field. IBM, UNISYS, Digital and others have been designing computers since the 50s. With that experience comes a level of maturity and a portfolio of patents that make it difficult for others to achieve ''best-in-class'' performance. Today, nearly every RISC architecture in production (Alpha, HP–PA, PowerPC, MIPS, SPARC), is faster than the fastest Pentium-II. Now that AMD, National Semiconductor, and IDT have foundry agreements with IBM, all of them may get access to the high-speed copper interconnect chip process which IBM innovated and may have a substantial lead in due to its own intellectual property. In other words, within a year or so, Intel may not be making the fastest x86 processor.

Microsoft and Intel have tried to restrict what the PC manufacturers can build thru acquisitions, intellectual property (patents), and their PC 9x initiatives. However, these are principally driven by Microsoft and Intel to fulfill their agenda. The original reason to have these initiatives was to try to guarantee for Microsoft that the manufacturers were sticking to a single spec of base PC functionality for their products, rather than have them go off and implementing new buses, graphics, etc. Of course, the result is an industry with no innovation and no variety. All the products are the same. The original objective was to enforce PC 9x compliance by withholding logo branding (Intel Inside or Designed for Windows xx) if the product did not meet PC 9x. It's not clear to what degree they've been able to do that.

The latest incarnation of the initiative is PC 99. Adaptec is a participant in PC 99. Aparently Microsoft in one of their playing god moods decided to remove SCSI hard disks as a supported technology in PC 99. The idea was to replace it with IEEE 1394. The Adaptec folks had to point out that there are virtually no disk drive products available using 1394 as an interface.

Earlier versions of PC 9x made no mention of mobile systems. Even the current mobile systems spec of PC 99 is considered grossly inadequate to the point that a consortium of notebook manufacturers (as reported recently) is banding together to form their own standards group.

Now Intel is using their intellectual property (primarily patents on the Pentium-II interface bus) to restrict who can build chipsets for PCs. Right now, you can really only buy Pentium-II chipsets from Intel. Intel has threatened to sue other companies who enter this field. Traditionally, the pinout of a non- military-classified chip sold on the open market has been a public spec. If you think about it, where would the computer industry be today if you could BUY a chip on the open market, but you couldn't INTERFACE it to anything without a LICENSE from the chip manufacturer. This, in fact, was the problem with the IBM MicroChannel bus. You could build MicroChannel option cards, but you needed to register them with IBM and get an ID for your card (for autoconfiguration) before you sold it. MicroChannel failed as a result, even though it had PCI-class technology years ago (the PCI connector is in fact a MicroChannel-style connector).

Intel's argument is that they are no longer selling ''chips'' as such, but computer system modules for a patented, proprietary bus (Slot 1 et al). For this there is precedent of course. All of the big computer manufacturers used proprietary buses, for which you generally had to get licenses to build peripherals for. The problem is the tradition and vitality of the PC industry was built around technology that was not under intellectual property restrictions. Now you can only buy chipsets from Intel. The chipsets effectively determine the basic features of the PC, including power management in the case of notebooks. As noted earlier, the notebook manufacturers are already blanching at the thought of having their features, such as power management, determined solely by what Intel's Pentium-II mobile chipsets deliver.

As Intel's standards (Slot 1, PCI, AGP, I20) become established, it becomes easy for Intel to dominate each segment, either solely or collusively with another vendor, such as the case with the intelligent I20 I/O bus and Wind River Systems. When you purchase the i960 RP processor (the heart of the I20 spec), you get the IxWorks I20-compatible Real Time Operating System by Wind River Systems (License included with processor). This event sent shockwaves thru the Real-Time Operating System industry as it would guarantee a stream of revenue for Wind River once I20-enabled systems began shipping in volume.

As Microsoft's initiatives have spread into other areas, such as palmtop computing, we see the same control. In the Windows CE area, the hardware specification is controlled by Microsoft. Manufacturers build to the Microsoft spec and Microsoft delivers executable code to the manufacturers. No source is available and Microsoft develops all the drivers. Is it any wonder that all CE products look the same? The only concession that Microsoft has granted has been the support of different microprocessors, insisted upon by the aggressively competitive Japanese contenders in the high-MIPS-per-milliwatt category. Everyone in the CE space is losing money, everyone except for Microsoft who is apparently charging more for CE than for Windows 95, basing this on the fact that they've architected the entire product, etc, etc. In fact, what Microsoft has done is architect the innovation OUT of the product by controlling it too strictly and not allowing their partners to innovate.

Their goal is to be the mobile communication and computing platform of choice when we get to the point of convergence between palmtops, notebooks, wireless networks, and cell phones—a sort of Pilot on steroids. The most interesting competition going on right now is that between CE and the Pilot, especially now that IBM is backing and reselling the Pilot. Unlike the past, it is clear that anti-competitive actions by Microsoft in that market will not go unnoticed. All of this information is publicly verifiable by hitting the right web sites with the right search keywords. Even the rumors have been reported in one place or another. Just haven't seen anyone put the whole picture together. Enjoy!

MTC–00025739

From: Steve(u)Lieberman
To: Microsoft ATR
Date: 1/26/02 1:21am
Subject: Microsoft Settlement

Dear Sirs:

Please do not allow the AOL lawsuit to derail the important and appropriate settlement between Microsoft and the Department of Justice. For the good of this country and the economy, I urge you to ratify the present settlement between MS, the DOJ and the nine attorneys general.

Steve Lieberman

Oceanside, CA

MTC–00025740

From: qtiptopg@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:23am
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,
Tamela Forbes
12812 Sierra Creek Rd.
Victorville, CA 92392

MTC–00025741

From: DeathTar@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:28am
Subject: (no subject)

Although I am not entirely on one specific topic that has been directly addressed by the battles against Microsoft I feel that I should point out some major problems I have been experiencing with the company's policies and software lately.

To start off, I should point out that I do use Microsoft windows ME as an operating system so I can't say that I am unwilling to use some of their products but I do find some problems with them. I enjoy using opera as my web browser rather than Internet explorer because it has more features and runs faster and therefore I have chosen to use it. This may seem like an arbitrary statement but it is not because I do not wish to use Internet explorer at all. This is simply not a possibility when using windows as an operating system and I feel that this ''feature'' of windows not only hurts smaller software companies such as opera or Netscape, which I have also used in the past, but it also detracts from what I as a user and consumer want to experience. If a product does not function to par then the consumer or user, whatever the case may be, should be allowed to choose an alternate source. It is true that internet explorer is a free product and some may even argue that it is part of the operating system, but so is windows media player and I am not forced to use that program when I find another program to take it's place. Every time I open a window I must use Internet explorer. Another problem I have encountered while using opera is that sites that use a MSN passport do not fully support this browser. This would seem opera's fault if it were not that these are the only sites that I have encountered that have this problem. Microsoft is purposefully designing web pages that adhere only to their software. I for one do not find this fair business at all.

MTC–00025742

From: Joe Falcone
To: Microsoft ATR
Date: 1/26/02 1:28am
Subject: Microsoft Settlement

I worked as Director of Windows Products Engineering for Borland International (later to be known as Inprise) in 1997 and 1998. During that period, I was responsible for ''the Microsoft relationship'' and worked with Borland's attorneys on contracts and other matters with Microsoft. I was asked to contribute my thoughts about Microsoft's anti-competitive behavior during this time, and I wrote the following memo in April of 1998. Its primary message is that Microsoft has never been a proponent of innovation, nor a particularly keen innovator. The same can also be said of the other monopoly force in the PC industry, Intel. However, a big difference between the two has been Intel's strict observance of the law and Microsoft's attempts to circumvent the law. While I was at Borland, several times Microsoft proposed that we sign agreements that forced us to recommend and distribute Microsoft's Internet Explorer to our customers—we ALWAYS red-lined these parts of the agreements.

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MTC–00025743

From: Duane Diesing
To: Microsoft Settlement
Date: 1/26/02 1:26am
Subject: Microsoft Settlement
Duane Diesing
PSC Box 6098
Goodfellow AFB, TX 76908
January 26, 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.

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,
Duane Diesing

MTC–00025744

From: taojones
To: Microsoft ATR
Date: 1/26/02 1:31am
Subject: Microsoft settlement

Letting them use equipment or software to increase market share in education would be a big mistake let them cough up the cash and let the beneficiary of the settlement decide where it is best spent. Unfortunately being second rate on quality is not a crime but is against the American sprit. Teach them a real lesson and make them reveal source code so that people can undo what they want to tweak themselves if you want to put a holly carburetor on your ford minivan ford has no right to stop you... once you pay for it its your car.Once you fork over your fee you deserve to see what you have bought. Developers have a right to information so they can improve things rather than catching the (security hole) horse out the gate

William Pellegrini
48 Oakcrest Drive
South Huntington
Ny 11746

MTC–00025745

From: steve
To: Microsoft ATR
Date: 1/26/02 1:34am
Subject: Microsoft Settlement

Microsoft has not risen to where it is today by innovation or product quality, but by purloining others technologies into their fundamentally faulty suite of products.

By virtue of simply being in the right place at the right time some 20 years ago, they aquired a toe hold that then became a foot hold in a new and burgeoning industry.

As this foot hold grew, it came to be able to at first just kick its way around, but then learned it could walk all over anyone it chose at anytime it choose. Just because it could didn't mean it had to, but it did. At almost every opportunity. Thus they in effect became the sole arbiter of what products would survive and what ones languished in this new industry. Were the ''Standard'' they purport to represent a legitimate one based on performance that would be one thing, but it isn't. When MS released Windows-XP recently they touted it as the ''Most mature and secure OS they'd ever made!''. While that may be true, in terms of the rest of the world it was anything but secure.

Within a few weeks of its release, severe security issues were found by several independent parties. Severe enough that for the first time in its history, the FBI called its own news-conference to announce the dangers they conveyed.

Furthermore, when Microsoft tried to post the fixes XP required to their own site recently, they crashed it, taking it offline for over 5 days. While the irony of the ''Most advanced and secure OS!'' requiring a ''fix'' just 2–3 weeks post-release that when applied created a new, bigger and and even more obvious problem is not to be missed. It is a demonstration of the low level of fundamental quality inherit in their software.

This not a unique example, only the most recent (and perhaps most telling). The

U.S.Army, Navy, and FBI have, along with many other .gov sites, dispensed with their Windows based servers as they tired of being hacked so readily.

MICROSOFT IS/HAS/BEEN/ALWAYS WILL BE: Pervasively aggressive in all areas of its endeavors. It has copied even its core functional approach and appearence from outside sources (while stifiling most competing efforts regardless of their actual merit). No amount of money can compensate for the loss of the dynamic society could have had if innovation in a broad field of players had been allowed. If free-market values and innovation had been at play instead of a singularly self-centered corporate one, this issue would represent less today than it does. Any judgment or penalty against MS should go to developing other sources/ venues of hardware/software innovation etc. that DON'T depend on Microsoft products to function. Otherwise, the penalty actually create's more need for the already intrusive offender.

Thanks for your time.

This is important, please do the right thing.

MTC–00025746

From: UNITEDJR@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:36am
Subject: Microsoft Settlement

With all the problems this country is having it should be top priority for our government to settle all the Microsoft law suits. The future must have technology working at its best or the terrorist could over come. We must protect free enterprise which is the root of our system. PLEASE vote to settle the Microsoft Law Suits.

Thank you Jerry Robinson

MTC–00025747

From: Alfie Costa
To: Microsoft ATR
Date: 1/26/02 1:38am
Subject: Microsoft Settlement

The Proposed Microsoft Settlement should not allow what it does allow. It is like a muzzle that hasn't been fastened.

Some say that Microsoft has, by various direct and indirect means, purchased this ominously favorable outcome. Supposing this cynical opinion were true, then those who have done the selling should reconsider, if only out of delayed self-interest. The reason being that if they ''look the other way'' today, (in so manifest an instance of duty), their reputation as guardians of the public interest will diminish tomorrow, so that their services would very probably be seen as hardly necessary. Any office whose duty evaporates, and devolves into a meek sinecure, can't expect much in the way of future emoluments.

MTC–00025748

From: BobNordan
To: Microsoft ATR
Date: 1/26/02 1:36am
Subject: Microsoft Settlement

Microsoft is guilty of the worst case on monopoly in history. The company should be punished harsely and should be broken up into two companies, one for operating systems and the other applications. Fines should be high enough to make sure Microsoft can't afford to break the law again. If they are not stopped now, there will be no stopping them in the future.

Robert Nordan Jr

MTC–00025749

From: bpetit@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:46am
Subject: Microsoft Settlement pI believe the Microsoft Settlement is not going to solve any problems or antitrust issues.

I feel stiffer penalties need to be enforced on this company. Microsoft should not be allowed to make there browser the default browser for the OS.

They abused their position dealing with Netscape and therefore should lose their privilege of forcing manufacturers to except IE as the default browser. I also feel they should compensate ex-Netscape employees for ruining their business model. Microsoft does stand in the way of free market enterprise and actions need to be taken.

Brian
CA, USA

MTC–00025750

From: Dr. Giorgio G. A. Miceli, Sr.
To: Microsoft ATR
Date: 1/26/02 1:49am
Subject: Microsoft Settlement pHello:

Something has to be done about these crybabies... a.k.a. AOL and Netscape. Microsoft is making their product better and better... AOL and Netscape are way behind.

Don't let these crybabies ruin a company that doing their best in innovation.

MTC–00025751

From: Jim Miranto
To: Microsoft ATR
Date: 1/26/02 1:49am
Subject: Microsoft Settlement

Enough with this already. Stop wasting my tax dollars on this trivial stuff.

Spend it on getting our county back on it's feet and safe from terrorists.

James A. Miranto, MCSE
Information Technology Consultant
Email: jim@miranto.net

MTC–00025752

From: Matthew Reed
To: Microsoft ATR
Date: 1/26/02 1:54am
Subject: Microsoft Settlement

The United States Government has an excellent opportunity to encourage competition and help the consumer. The proposed settlement does not fulfill this end. Microsoft should be punished to the degree of their crime.

MTC–00025753

From: Bob
To: Microsoft ATR
Date: 1/26/02 1:58am
Subject: Microsoft Settlement
U.S. Department of Justice.
Reference: Microsoft Settlement.

Consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest Big-Wigs. This is ridicules to continue any kind of litigation unless you are anti consumer. Not one new product will be brought to the marketplace, so what's the point???

Respectfully
A Senior Consumer
Robert E Hahn
POBox 899
Buena Vista, CO. 81211

MTC–00025754

From: guybarcelo@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:50am
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,
Martin Barcelona
6642 Lamb Road
New Orleans, LA 70126

MTC–00025755

From: D.Carrico
To: Microsoft ATR
Date: 1/26/02 1:58am
Subject: Microsoft Settlement

Microsoft is a monopoly. You do not need 100% of the market to be a monopoly.

1. Open source *ALL* of the ''Internet Explorer'' web browser program code.

2. Make them develope a version of ''Internet Explorer'' and MS Office for Linux.

3. Tell them under *NO* circumstances, can they collect *private information* from there customers using there operating system or applications.

4. All of there current and future protocols must be *approved* by a open standards organizations.

5. Fine them 25 to 50 percent of there *NET* profit. That will help the national debt.

Thank you for your time and help in this matter.

Donald Carrico Jr.

MTC–00025756

From: Ian Johnson
To: Microsoft ATR
Date: 1/26/02 1:59am
Subject: Microsoft Settlement

To Whom it May Concern:

I am not involved in the computer industry. I am an ordinary cititzen and end-user of computer software and just wanted to

take a moment to voice my strong objection to the proposed Microsoft settlement.

It takes only a very basic understanding of Microsoft's history to understand that they have succeeded not through innovation but through aggressive and anti-competitive business practices. From the very beginning, in the mid 70s when Bill Gates purchased MS-DOS from a small software company in Seattle and made billions reselling something that cost him about $50,000, to the open aping of Apple's Macintosh operating system in Windows and all subsequent OS releases, Bill Gates has been a copycat, a thief maybe, but not an innovator. Every single product they have ever released has been ''inspired'' by something that came before.

The operating system monopoly that Microsoft enjoys has given them the leverage to thwart upstart competitors. We all know and acknowledge this. The proposed slap on the wrist makes it apparent that antitrust laws have no teeth. Without a punishment that fits the crime, there is no disincentive for other companies now and in the future to avoid running afoul of antitrust laws.

I resent the millions of taxpayer dollars spent over many years in an effort that apparently will result in a conclusion that antitrust laws were violated but that it's OK to let Microsoft off easy, once again. Those who believe in the free market as an absolute have no understanding of American history and no appreciation for the need for antitrust laws in our highly successful form of capitalism.

sincerely,
Ian Russell Johnson
Corvallis, Oregon

MTC–00025757

From: gramadarz@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00am
Subject: Microsoft settlement

I feel it's time the government take a stand against the bilking of Microsoft. Please get involved and end this persecution of a company because others can't get their stuff together.

Darlene Dwyer
Everett, WA 98208

MTC–00025758

From: root@umr.edu@inetgw
To: Microsoft ATR
Date: 1/26/02 2:02am
Subject: Microsoft Settlement

Microsoft has used their monopoly powers time and time again to strangle innovation, it is time for that to be put to a stop.

MTC–00025759

From: Laura Stephenson
To: Microsoft ATR
Date: 1/26/02 2:08am
Subject: Re: Microsoft settlement

Dear Sir,

I greatly appreciate Microsoft ability to innovatively create sofware projects which assists the consumer in not only their word processing needs, but also in the area of the internet. Yes, there are links between Microsoft and other companies. And true, Microsoft in the largest computer company and the other have not been competing as well. My personal opinion is that the man behind the company is the key. If it weren't for Bill Gates innovative approach to life as well as business, consumers would not buy his company's products. Because Microsoft is simply the best in their area of expertise, they are being punished. Why punish such a terrific company who has simply figured out the key to good business?—-working with other to make the best and the most efficient products and services on the market. As a teacher, I want to be the best teacher for my students every day all of the time. Other teachers may become jealous because I am rewarded for my diligence and excellence in the service I provide to our children.

Therefore, I get punished because they can't stand to see someone else half their age do a better and more efficient job than them. In theory, this analogy paints the true picture of what has happend to Microsoft. Other companies are simply jealous of the tremendous network that Microsoft has created and wish that they had done it themselves. They are in it for the money like any other business here on earth!!! What a great ability to meet the needs of their consumer while also doing what they feel called to do!!! Creation of new ideas is often rejected in our society, especially if it goes against the grain of our pocketbook. Another example would be the change from fuel-run vehicles to electric car which are more efficient and more environment friendly.

Anyone who can say that what Microsoft has done is wrong is a hypocrite because no one can truly say that working with others in the business world to create the most efficient and effective products and services is bad. Microsoft simply and intelligently thought of it first!!!

Thank You for keeping Microsoft a leading company in this game that we call computer life!!! May the Lord be with you are you make this historical decision that could positively or negatively affect millions of consumers nationwide!!!

In His Name,
Laura Stephenson
2412 Pleasant Rose Cr.
Bryan, Texas 77808
(979)731–1217

MTC–00025760

From: Colin Kinlund
To: Microsoft ATR
Date: 1/26/02 2:06am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my dismay at the inadequacy of the current proposed settlement against Microsoft. It provides neither concise so-called ''punishments'' nor methods of enforcement and control; Microsoft has repeatedly shown itself to be incapable of independently conducting fair and legal business.

This distinct lack of self-control is exemplified by their continued and blatant monopolistic practices even in recent months, such as their intentionally poor encoding of MP3 files in Windows XP, making their included Windows Media Audio the better choice in quality by default, and leaving the average consumer with no choice but to use Microsoft's new ''standard.''

Microsoft has shown no change in its approach to business since it was found to be a monopoly 6 years ago, and the current Final Settlement allows Microsoft to continue its illegal practices with virtually the same degree of anti-competitive behavior as before. It is a poorly worded document riddled with loopholes and incomplete statements, and it does nothing to truly address the nature of Microsoft.

I do not support this settlement in its current form. I also urge you to read Mr. Dan Kegel's proposed revisions to the settlement at http://www.kegel.com/remedy/remedy2.html

Thank you.
Sincerely,
Colin Kinlund
Bristol, Vermont

MTC–00025761

From: Tim Thomas
To: Microsoft ATR
Date: 1/26/02 2:10am
Subject: Microsoft Settlement

Dear Sirs;

The proposed Microsoft settlement is a farce. These people are guilty of arrogant and willful acts of disregard for the law, and they should be punished, not rewarded.

I am ashamed of our legal system for their lack of integrity in even considering this settlement.

Sincerely,
Tim J. Thomas
Editor, Mouse Droppings and The Communiqúi
Board member, The Alaska Apple User Group

MTC–00025762

From: Eddie Fourie
To: Microsoft ATR
Date: 1/26/02 6:14pm
Subject: Microsoft Settlement

Enough is enough!

No-one asked me as a consumer whether I was hurt or not by Microsoft's innovation. As a programmer and a technologist myself, I have given up some of their competitor's tools and decided to use Microsoft's platforms, operating systems and products as choice.

Our company makes a living from products Microsoft creates and sells, and it's absurd for people who are non-technical to make decisions of this magnitude.

I therefore urge you stop this crazy lawsuit and get to settlement as soon as possible, as your actions and or lack of affects our business, but not only ours, but hundreds of thousands of other small business out there.

Regards
Eduard Fourie

MTC–00025763

From: Marc S Weintraub
To: Microsoft ATR
Date: 1/26/02 2:11am
Subject: Microsoft Settlement

MTC–00025763–0001

Dear Sir,

In accord with the Tunney Act, I am submitting my comments on the Proposed Final Judgement in the Microsoft proceedings

(commonly known by the somewhat inaccurate description: ''DOJ vs Microsoft'').

There are many reasons why I find fault with the proposed settlement. In order to keep this comment brief, I will focus my comments on one specific are that I believe has not received a great deal of commentary from the public. I am very concerned about the faulty definitions and their implications, there are numerous examples of alterations to definitions found in the Findings of Fact as they have been ''reproduced'' in the PFJ. For example:

Definition A—''API''

The FOF defines ''API'' as ''the interfaced between application programs and the operating system.'' The PFJ has altered it to mean only ''the interfaces between Microsoft Middleware and Microsoft Window, excluding Windows APIs used by other application programs.'' The PFJ's definition of API permits Microsoft to omit important APIs that are crucial to Independent Software Vendors'' ability to write software that integrates with Windows to the same extent to which competing Microsoft products are able to do so.

Definition J—''Microsoft Middleware'' The FOF defines ''middleware'' as ''application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system.'' The PFJ destroys the intent and spirit of that definition by making it possible for Microsoft to avoid compliance simply by altering the form of version enumeration or the method of distribution of the products it miserly lists as ''middleware.'' The PFJ leaves so many holes open to Microsoft as to make the concept of ''middleware'' a moot point in terms of measuring Microsoft's adherence to the PFJ's rememdies. That is simply wrong and must not be permitted.

Definition K—''Microsoft Middleware Product''

The PFJ restricts the list of products to Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger and Outlook Express. It deliberately omits the obvious selections of Microsoft .NET, C#, Outlook and Office. There are, no doubt, other products that fit the proper definition of ''middleware'' and should be included as well. In fact, ideally, there should not be a list of what DOES apply, rather there should be a list of what DOES NOT. The fact is that no one at Microsoft is going to willingly include every product that should be a member of the list unless forced to do so. By changing the rules of defining the term ''middleware'' such that everything is included except that which is explicitly excluded, Microsoft will be forced to realistically explain the VALID reasons why any product should be added to the exclusion list. Only then can there be a reasonable expectation that essential APIs MIGHT become available to ISVs.

Definition U—''Windows Operating System Product''

The PFJ makes unreasonable assumptions about what constitutes a Windows Operating System product. It specifically restricts the definition to ''only Windows 2000 Professional, Windows XP Home, Windows XP Professional and their successors.'' What about existing Windows products such as Windows CE? What about the XBox which Microsoft clearly states runs an embedded version of Windows XP? Does ''embedded'' mean it is not ''Home'' and it is not ''Professional'' and therefore it ''does not count?'' What about the Tablet PC featuring Windows XP Tabled PC Edition? I do not see the words ''Home'' or ''Professional'' in that name, does it count? I am certain that my and the ISV industry's answer to each ''does it count'' question is a resounding YES, however I am equally certain that Microsoft's is a resounding NO.

As the PFJ definition currently reads, 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 Fdition.

MTC–00025763–0002

01/31/2002 6:37 PM

Windows CE, Pocket PC, X-Box or some other Microsoft Operating System that can execute Windows applications. That is simply wrong and must not be permitted. True competition cannot be ensured due to the faulty definitions included in the PFJ. The unwarranted restrictions and syntactic gymnastics employed ensure that Microsoft can evade the purpose behind the action taken by the DOJ and several State's AGs. The purpose should be clear to everyone, it is to ensure that Microsoft ceases and desists from i anti-competitive practic

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 or develop alternatives to Windows. 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.

MTC–00025764

From: Del Ivey
To: Microsoft ATR
Date: 1/26/02 2:13am
Subject: Microsoft law suit

Dear Mr. Attorney General,

I am writing you to urge you to put an end to the seemingly endless litigation and appeals and new suits brought by the less-than-tenuous attorneys under your jurisdiction. I have been a stock holder and user of Microsoft products for more than fifteen years and find the products more than adequate and very reasonably priced in the market place. I believe what has been accomplished to date in the litigation is more than adequate to restrain Microsoft and allow all the oversight necessary.

Please end this senseless wrangling and get on to more important matters ; such as off shore partnerships of off-balance sheet SPE of you know who.

Yours truly,
Delbert G. Ivey
ivdel@digisys.net

MTC–00025765

From: brian—l@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:18am
Subject: Microsoft Settlement

This ''settlement'' does nothing to stop Microsoft from continuing to abuse its monopoly power, nor does it provide any remedies for past abuses.

MTC–00025766

From: Walter
To: Microsoft ATR
Date: 1/26/02 2:21am
Subject: Microsoft Settlement

Dear Mr. James,

The ''settlement'' you folks have worked out with Microsoft does not address any of the core monopolization violations affirmed by the Court of Appeals (unanimously) in June of last year.

Your settlement is so far outside the mainstream of antitrust law and so completely contradicts the Court of Appeals decision that the only explanation is that you are getting political pressure from Microsoft beneficiaries in the government to cave in.

Microsoft will now go breezily back to its heavy handed practices of pushing out competition. Don't you realize that it is small business that fuels the economy? With your settlement, we might as well give the entire country to Microsoft.

Disgustedly,
Diane Walter
CC:diane@donder.com@inetgw

MTC–00025767

From: kang xu
To: Microsoft ATR
Date: 1/26/02 2:22am
Subject: Re: My comment on Microsoft case

Dear Sir:

Attached please find a letter which expresses my opinion on the antitrust case with Microsoft.

Thanks.
Sincerely,
Kang

Send and receive Hotmail on your mobile device: http://mobile.msn.com

CC:
fin@MobilizationOffice.com@inetgw

MTC–00025767–0001

Kang Xu and Ying Zhang
10521 Polk Square Court
North Potomac, MD 20878
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to give you my thoughts on the Microsoft antitrust case. I support the reasonable settlement that was reached and oppose further litigation. It can only benefit consumers if this case were to come to an end, allowing Microsoft to focus on their business of creating superior, innovative products. I am a government contract researcher and use Microsoft both in my office and at home. Microsoft has standardized computer software, creating increased efficiency for businesses. It is unfortunate that a company is being punished for being successful.

I urge you to please accept the proposed settlement, as it is more than reasonable and will surely promote healthy competition in the computer industry. For example, under the settlement terms, Microsoft will not only share its source codes with their competitors, but also allow extensive flexibility to computer makers in way they configure Microsoft software, and that of its competitors on new computers. This, along with other stringent restrictions in the settlement will surely limit Microsoft's own competitiveness, but they are willing to concede to these terms in order to get back to the business of what they do best: providing innovative IT solutions that not only benefit American consumers, but the economy as a whole.

Sincerely,
Kang Xu

K. Xu, 10521 Polk Square Court, North Potomac, MD 20878

Tel.: (301)-394–0043(o);(301)-279–5952(h); e-mall: kang—xu@hotmail.com

MTC–00025768

From: bud kuenzli
To: Microsoft ATR
Date: 1/26/02 2:28am
Subject: Microsoft Settlement

Recently I ''signed'' (electronically) a letter found at http://www.kegel.com/remedy and this is to be sure you understand it was not done hastily or without consideration. The points made by Dan Kegel were better expressed than had I written my own simple paragraph. I believe it will be a travesty of Justice if the Microsoft case is not brought to a stricter settlement and accounting. I urge you to hold Microsoft to a much stricter standard than that which has been proposed, so as to meet the concerns expressed by Mr. Kegel directly and by me, through his well done web site and commentary.

Thank you.
Bud Kuenzli
Technology Manager,
Austin E. Lathrop High
School, Fairbanks Alaska
wk email: bud@northstar.k12.ak.us
personal email: kuenzli@gci.net
Ab Kuenzli
2025 Persinger Dr.
North Pole AK 99705

MTC–00025769

From: Marc S Weintraub
To: Microsoft ATR
Date: 1/26/02 2:35am
Subject: Microsoft Settlement

Dear Sir or Madam,

In accord with the Tunney Act, I am submitting my comments on the Proposed Final Judgement in the Microsoft proceedings (commonly known by the somewhat inaccurate description: ''DOJ vs Microsoft''). There are many reasons why I find fault with the proposed settlement. In order to keep this comment brief, I will focus my comments on one specific area that I believe has not received a great deal of commentary from the public.

I am very concerned about the faulty definitions contained within the Proposed Final Judgement (PFJ) and their implications. There are numerous examples of alterations to definitions found in the Findings of Fact (FOF) as they have been ''reproduced'' in the PFJ. For example:

Definition A—''API''

The FOF defines ''API'' as ''the interfaced between application programs and the operating system.''

The PFJ has altered it to mean only ''the interfaces between Microsoft ''Middleware'' and Microsoft Windows, excluding Windows APIs used by other application programs.'' The PFJ's definition of API permits Microsoft to omit important APIs that are crucial to Independent Software Vendors'' (ISV's) ability to develop software that integrates with Windows to the same extent to which competing Microsoft products are able to do so.

Definition J—''Microsoft Middleware''

The FOF defines ''middleware'' as ''application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system.''

The PFJ destroys the intent and spirit of that definition by making it possible for Microsoft to avoid compliance simply by altering the form of version enumeration or the method of distribution of the products it miserly lists as ''middleware.'' The PFJ leaves so many holes open to Microsoft as to make the concept of ''middleware'' a moot point in terms of measuring Microsoft's adherence to the PFJ's rememdies. That is simply wrong and must not be permitted.

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The PFJ restricts the list of products to Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger and Outlook Express. It deliberately omits the obvious selections of Microsoft .NET, C#, Outlook and Office. There are, no doubt, other products that fit the proper definition of ''middleware'' and should be included as well. In fact, ideally, there should not be a list of what DOES apply, rather there should be a list of what DOES NOT. The fact is that no one at Microsoft is going to willingly include every product that should be a member of the list unless forced to do so. By changing the rules of defining the term ''middleware'' such that everything is included except that which is explicitly excluded, Microsoft will be forced to realistically explain the VALID reasons why any product should be added to the exclusion list. Only then can there be a reasonable expectation that essential APIs MIGHT become available to ISVs.

Definition U—''Windows Operating System Product''

The PFJ makes unreasonable assumptions about what constitutes a Windows Operating System product. It specifically restricts the definition to ''only Windows 2000 Professional, Windows XP Home, Windows XP Professional and their successors.'' What about existing Windows products such as Windows CE? What about the XBox which Microsoft clearly states runs an embedded version of Windows XP? Does ''embedded'' mean it is not ''Home'' and it is not ''Professional'' and therefore it ''does not count?'' What about the Tablet PC featuring Windows XP Tabled PC Edition? I do not see the words ''Home'' or ''Professional'' in that name, does it count? I am certain that my and the ISV industry's answer to each ''does it count'' question is a resounding YES, however I am equally certain that Microsoft's is a resounding NO.

As the PFJ definition currently reads, 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 execute Windows applications. That is simply wrong and must not be permitted.

True competition cannot be ensured due to the faulty definitions included in the PFJ. The unwarranted restrictions and syntactic gymnastics employed ensure that Microsoft can evade the purpose behind the action taken by the DOJ and several State's AGs. The purpose should be clear to everyone, it includes (but is not limited to):

*erasing the barriers to entry onto the competitive field by ISVs

*promoting positive and unfettered competition

*ensuring that Microsoft ceases and desists from its anti-competitive practices

*preventing Microsoft from obtaining and abusing future monopolistic powers

The proceedings surrounding this case have far reaching implications to the future of Microsoft and the Computer Information Industry. If the barriers to true competition are not eliminated now, they probably never will be. This is a momentous time given the indisputable fact that a US Court has judged (for the first time ever) Microsoft to have used and abused Monopolistic powers and to have actively engaged in a systematic process of preventing and obliterating competition in key sectors of the Computer Information Industry.

If the DOJ permits Microsoft to escape with a slight slap on the wrist and a Settlement that is, for all intents and purposes, unenforceable by virtue of the highway-sized loopholes it gives Microsoft then I must ask you ''why do we have a DOJ? What service does it provide to the people of the United

States of America that cannot be better served by the Private Sector and the States'' AGs?''

I believe the DOJ serves the people of our nation well, with dignity and honor 99% of the time. I am gravely concerned that the Microsoft Settlement falls under the 1%.

Thank you for you time and attention to this very important matter. Some say this case will make history. I say it already has and will continue to do so for decades to come. We are at a crossroads. We will either have a 900 pound Monopoly Gorilla or we will have the competition that has been the ideal and hallmark of the American Free Trade system. We, the American people, are relying upon you to do what is right and we have faith in your ability and determination to do so.

/s/ Marc S. Weintraub
Springfield, VA

MTC–00025770

From: Charles Martin
To: Microsoft ATR
Date: 1/26/02 2:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I understand you have been bombarded by emails and letters during the public comment period, so I will keep this brief for the benefit of those having to read all those comments.

Point One

Microsoft as a corporation has broken the law repeatedly, even when ordered to stop doing so. They will seemingly use any tactic short of felony murder to maintain their anti-competitive monopoly. This does NOT benefit consumers, it harms them in exactly the same way the US economy would be harmed if GM suddenly made it impossible for any other car maker to work with standard parts. The proposed settlement does little or nothing to PUNISH Microsoft for previous bad acts and bad faith, and in doing so REWARDS the company for this behaviour and thereby guarantees further such lawbreaking, deception and anti-competitive practices.

I suggest that a very, very large fine—in the billions of dollars

—is the only remedy coercive enough to actually foster a behavioural change in the ''corporate culture'' of Microsoft. Much of the money from this fine should be used to redress wrongs done to MS competitors including AOL/Time Warner, Apple Computer and many PC hardware manufacturers and hundreds of smaller former companies who were bullied right out of the market. The rest of the money should be used to fund efforts to encourage the development of alternate, specialised OSes (for example, an ultra-secure OS for government servers). The precedent for this is already present in the government's own settlement with the tobacco companies.

Point Two

Microsoft has harmed consumers in myriad ways, but they have also harmed—in a considerable way—the security of the United States government, and the US economy through their admitted lapses in security and their drive to become sole-supplier and controller of all microcomputer operating systems and infrastructure. Billions upon billions have been lost in real revenue and productivity thanks to viruses based on weaknesses in Microsoft code. Top secret material and other sensitive data by the truckload has been stolen and criminal behaviour facilitated by security blunders and loopholes deliberately built into Microsoft's OS for either marketing purposes or to enhance the convenience of possible future Microsoft plans for intrusive monitoring. The right to privacy, once the centerpiece of our democracy and the original cornerstone of the Internet, is now but a dim memory that is rapidly eroding thanks to our deep dependence on buggy, vulnerable software and a company who's interests are often in conflict with the best interests of the United States. If a foreign company were doing this to us, we'd likely have charged them with treason via sabotage by now. At the very very least, the government and its contractors should punish Microsoft by doing a thorough audit of government computer usage and replace Windows systems with alternatives wherever possible for at least a period of five years.

Point Three

Microsoft's continued flouting of the law and fair business practices, combined with their documented (by MS itself) threats to competitors by high-level executives in the company (up to and including Chairman William H. Gates III) pose a danger to both society and capitalism itself. Despite it's propaganda efforts, Microsoft is in fact the *least* innovative software manufacturer on the scene and actively crushes innovation it cannot control or buy. The proposed settlement offers no incentive for Microsoft to cease this behaviour, and in fact reaffirms their monopoly and reinforces their right to bully competitors and squash innovation.

My suggestion would be to set vigourous, firmly-enforced limits on Microsoft's ability to interfere with competitors in any arena, and the best way in my honest opinion to do this would be to inflict jail time and other ''real punishments'' on the top executives of the company, up to and including Bill Gates. A clear message must be sent to both Microsoft *and* future companies that would emulate them, and jail time for white-collar executives would definitely send the right message. The MS executives can share a cell with the Enron executives if you prefer, that's up to you. :)

But it is long past time that Corporate Criminals got treated more like the real criminals they are—they do REAL harm, they hurt REAL people and companies, and they should get REAL punishment. Otherwise, the widening gap between justice for the rich/powerful and justice for the poor/weak will widen into a yawning chasm, and to be blunt I expect that at some point we'll foster civil unrest and a further weakening of our democracy if we as a society continue down that path.

Sincerely,
Charles Martin
Maitland, Florida

MTC–00025771

From: Todd Colburn
To: Microsoft ATR
Date: 1/26/02 2:35am
Subject: Microsoft Settlement

I would like to protest the pending settlement with Microsoft. I do not feel that the proposed punishments will do any good in preventing the continued monopoly practices of Microsoft.

Thank you.
Michael Todd Colburn
Clovis, CA

MTC–00025772

From: James Simons
To: Microsoft ATR
Date: 1/26/02 2:37am
Subject: ''Microsoft Settlement''

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I strongly disagree with the proposed settlement with Microsoft.

Thank You.
James Edward Simons.

MTC–00025773

From: Donald G. Ebner
To: Microsoft ATR
Date: 1/26/02 2:38am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

As a concerned citizen interested in justice, I am writing to encourage you to do your part to get the Department of Justice to accept the Microsoft antitrust settlement. This issue, which has dragged on for an inordinate amount of time (over three years!), is taking an adverse toll on our fragile economy and needs to be settled with dispatch. From my reading of the proposed settlement, Microsoft has indicated a willingness to accept a long list of concessions, which I consider more than fair. In my considered opinion, the Government needs to accept the firm's offer and move on. You'd be doing a service to our country and the technology industry if you would accept the Microsoft antitrust settlement.

I know you occupy a demanding position, one that forces you to put long hours in your work. But please know that there are a great number of people, yours truly included, who are indebted to you for your tireless efforts and contributions to our nation.

Thank you for your noble service and also for considering this request.

Sincerely,
Donald G. Ebner, Ph.D.
CC:fin@mobilizationoffice.com@inetgw

MTC–00025774

From: Adam Lippiatt
To: Microsoft ATR
Date: 1/26/02 2:41am
Subject: Microsoft Settlement

Dear Sir/Madam

Microsoft should not be allowed to settle on the basis of software, or hardware running their software, being given to schools. This ''dumping'' of software should be considered anti-competitive and be proscribed. A more appropriate settlement would be cash donated for computers with no strings attached in relation to the software or hardware purchased.

Microsoft should also suffer other penalties which appropriately punish it for its anti-competitive behaviour. Further, limits should be placed on the way it behaves in the future and its ability to use its market power to

negatively affect the industry. The Department of Justice should not settle the matter before appropriate sanctions are placed on Microsoft.

Regards

Adam Lippiatt

MTC–00025775

From: dgrigg5885@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:48am
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,
Roee Grigg
11266 N 95 E
Idaho Falls, ID 83401

MTC–00025776

From: THOMAS P Mc GUIRE
To: Microsoft ATR
Date: 1/26/02 2:49am
Subject: MICROSOFT SETTLEMENT

MTC–00025777

From: David Groom
To: Microsoft ATR
Date: 1/26/02 2:55am
Subject: Microsoft Settlement

Good People,

Microsoft has been a champion of ensuring consumers benefit from low cost and high volume economics of the PC market. In college, I remember that Apple computers were nearly double the cost of a PC and of course systems from the likes of Sun Microsystems have only been accessible to pocket books of big corporations. Microsoft's success in building popular products at reasonable prices is the obvious reasons for the size of its market share. On the other hand, it is disconcerting that the antitrust trial has drug on so long only to favor the likes of big corporations like AOL, Sun, and Oracle. It is sad to see an American company which has brought such consumer benefit, held back for the welfare of corporations like AOL and Sun.

Let Microsoft compete freely. Let the market place decide which products should win.

Regards,
David Groom

MTC–00025778

From: dave
To: Microsoft ATR
Date: 1/26/02 3:05am
Subject: Microsoft Settlement

Bad form letting Microsoft get away with such a sweatheart deal.

dave di re

MTC–00025779

From: Hans Huang
To: Microsoft ATR
Date: 1/26/02 3:12am
Subject: Microsoft settlement

Let's settle it and move on....good for consumers, good for USA, good for the whole world.....

Hans

Hans Huang,
Executive QA Pgm Mgr, APQA

MTC–00025780

From: Edith Ang
To: Microsoft ATR
Date: 1/26/02 3:13am
Subject: Microsoft settlement

We should thank Microsoft for its operating system and internet web and email programs. There is nothing wrong to offer their programs all bundled together with a discount price. Companies do it all the time. Loss leaders are done at grocery stores. Restaurants offer either Coke or Pepsi products but never both.

If rivals spend more time on offering better programs, public will buy it. Why act like cry babies and ask government to interfere by punishing the hard working and smarter kids. Let the competitors know they must grow up on their own

Just like the auto industry. Each one of them has to come up with something different to compete for the public. Apple Computer has its followers because they keep on develop new things for their customers. Crest toothpaste for a long time out sells Colgate, now the trend is reversing because of new innovation.

Please stop spending tax money to interfere and fatten the lawyers'' pockets.

MTC–00025781

From: David C
To: Microsoft ATR
Date: 1/26/02 3:35am
Subject: Microsoft Settlement

I think the settlement is a really bad idea, Microsoft deserves far more strict penalties, they need to remember to be good in the future. They wield too much power for a slap on the wrist.

David Christensen
UC Berkeley Student
Berkeley, CA

MTC–00025782

From: David Lee
To: Microsoft ATR
Date: 1/26/02 3:35am
Subject: Microsoft Settlement

Dear Sir/Madam,

Microsoft should be left alone to make as much money as it can make, and to dominate it's competitors as well as it can. In a free society, the most competent company will dominate, so instead of despising Microsoft for their success, I love and admire the company, and look up to Bill Gates. I don't care about other computer/software companies. I choose Microsoft because they make great products at cheap prices. Even if they raise their prices later, they have a right to do it. I believe Microsoft has the right to sell in a way that pushes it's competitors out of the market. I do the same for the business I work for, to make more money. I respect the opposition companies that do better than ours. These better companies don't owe us their lives. If our business fails, we will take it and respect the opposition more.

I don't believe in self-sacrifice. I believe that if a company fails to compete against Microsoft, how dare that company improve it's market share by the musket of a gun; that is, through the government. Let men live, not by permission, but by right.

David Lee

MTC–00025783

From: james paraiso
To: Microsoft Settlement
Date: 1/26/02 3:36am
Subject: Microsoft Settlement
james paraiso
411 dorothy st #20
el cajon, ca 92019
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayersO 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,
jim & Carrie Paraiso

MTC–00025784

From: Jay Blackman
To: Microsoft ATR
Date: 1/26/02 3:42am
Subject: Microsoft Settlement

I urge the Department of Justice and all other parties to accept the Microsoft settlement agreement. I believe it is a settlement that conforms to the criteria

imposed by the Court and is a valuable opportunity for the government and the industry to move forward. Thank you.

MTC–00025785

From: Michael R James
To: Microsoft ATR
Date: 1/26/02 3:42am
Subject: Microsoft Settlement

I believe history will look back on this age in America as the one that did the most damage by abandoning the ideals that made this country so great. This country was founded on the idea that we, as individuals, can achieve what we set out to achieve. We have only the right to try, not to succeed. The clam sits at the bottom of the ocean waiting for food to happen by as it filters the water waiting for nutrition, never experiencing anything other than it's simple existence. The eagle, on the other hand, flies up to a hundred miles searching for food, souring over the landscape and seeing an ever-changing world. The Eagle, not the clam is the symbol of America. What will be our symbol tomorrow? We are surrounded by instances of individuals and corporations pointing fingers at the success of their competitors and whining about how they should be in that seat. How, if everything were more fair, they would be the leaders. It strikes me as more than a little hypocritical for the world's largest communications company (that absolutely refuses to open such a critical tool to today's communication as instant messaging to free competition) to be pointing at Microsoft and whining that they're (recently) acquired Netscape would have been more successful if Microsoft didn't embed IE into windows. Come on, AOL-TW !! You yourselves opted for the superior performance and features of IE over Netscape for your own AOL browsers not too long ago!!!!!!!! Look at the real market facts.. Netscape did fine against IE, even though IE was embedded in windows, Netscape was the preferred browser by most, and was rated as a better product in the media for several versions. Then, starting with version 4.0, IE started to offer more competition as it improved it's performance and feature set. Eventually the media started touting IE as the winner in the ''Browser Wars''. It was then, and only then, that Netscape started losing market share. Not because IE was embedded into windows (it always had been), but because it became a better product. Simple, huh? As I said we will be looked upon as the age that destroyed competition by punishing those that succeed. Making the right judgment in the Microsoft case will not change this, but at least it will not contribute to it. Who has really been pushing for judgments against Microsoft? The consumers? No. No, I mean the ones REALLY behind all of this. Our government has been wielded like a puppet by those who stand to gain financially. It is so, blatantly obvious to almost everyone I talk to what is really going on. It is embarrassing to watch our own government be played like this. Michael R James Galileo <http://www.galileobas.com/> BAS, Inc. Office 623–551–4296 Mobile 602–549–3903 Fax 623–551–4297 Email <mailto:mjames@galileobas.com> mjames@galileobas.com

MTC–00025786

From: James Plante
To: Microsoft ATR
Date: 1/26/02 3:56am
Subject: Axe to grind—7 to 9

Microsoft microsoft.atr@usdoj.gov Thank you for this opportunity for me to post an incident that was caused by the Microsoft Internet Explorer software package permanently linked to the Windows 98 OS package. Prior to the install/upgrade to Windows 98, my system operated on Windows 95. While working with the 95 OS I choose to upgrade my Wordperfect 5.x to the newer Wordperfect Suite 7.0 (WP7). It is important to realize the sequence in which this occurred. With these two packages installed on the 95 operating software there were no incidents that occurred that would have indicated a compatibility problem. However, after several months of what appeared to be an acceptable operating environment I choose to upgrade the OS to the newer Windows 98, with it's promise of stability and FAT32 capabilities, which I required for expanding my memory storage in support for working with graphics. For approximately 6 to 9 months I worked with the Suite 7.0 with no apparent problems except for a few incidents of an occasional error message indicating a problem reading a bad WP7 operating file. As this time period progressed the error message increased in frequency to eventually delivering the message the file could not be read and a reinstallation of the missing file would be necessary. The problem begins. Several attempts to reinstall the file resulted in permission denied to complete the install. Working on this for several days I finally resorted to calling the WP help desk. After describing the problem to the phone technician, he responded with the question ''Do you have Microsoft Internet Explorer (IE) installed on your system? I acknowledged that I did have it installed since it was linked to the current OS, but noted that I choose to use the Netscape internet browser as a preference, so the IE browser was not active. He informed me that regardless, with the IE browser tied to the OS, the affect the IE package has on your system is inevitable. The problem with trying to install WP7 files after the Microsoft IE package is installed is to block the installation of WP7. The phone technician said he would send me a patch, that may or may not work, to work around the effect of the Microsoft IE browser blocking the reinstall of WP7. If it did not work, allowing me to complete the install, then I would have to upgrade to the Wordperfect Suite 9 application software. I did not bargain for The IE Browser's affect on my applications. My intentions were to upgrade, for improved performance, to a better Operating System. With the browser tied into the OS, the browser literally destroyed the reliability of my other applications. This NEVER should have happened. I would like to see this outfit (Microsoft) broken up. Thank you Jim Plante

MTC–00025787

From: Sean Lee
To: Microsoft ATR
Date: 1/26/02 3:59am
Subject: Microsoft Settlement HTC-00025787—0001 file:///C/win/temp/tmp.htm

Dear DO J,

No settlement in this case against Microsoft can bring back the justice, if the settlement is in any way beneficial to Microsoft. The current proposed settlement by Microsoft is totally ludicrous in that it gives Microsoft even more market share in the educational market which is traditionally dominated by Apple, Inc. The raw cost to Microsoft is very minimal. Each copy of Microsoft OS is probably less than $1 (each CD cost about 20 cents in a retail store). However, Microsoft is selling them for probably $100. A billion dollar in software may be just $10 million dollar raw cost in CDs. And obviously, if they choose to distribute the bulk of the software via internet distribution, the raw cost is close to zero, except the occupied download bandwidth.

Dear Judge, the pervasive existence of Microsoft software has become a danger to the public. No email softwares in the brief computer history have been susceptible to virus attack. But Microsoft came up with their ''ingenious'' Microsoft Outlook email software which has opened SO MANY holes to virus & warms, such as the famous Melissa virus, etc. The monopoly of Microsoft has paralyzed the software industry and consumer public. Without substantial competing choices, we are left with buggy and unsecure products, and the lack of competition fostered an environment where blatant problems are ignored or accepted. So why is Microsoft not liable for the virus problem, when indeed it is Microsoft Outlook that opens the big door to the virus itself?. And it was just simply a total stupidity on Microsoft part that cost the whole United States to spend billions of dollars to fix a Y2K problem. If in 1995, at the time Microsoft publish their Window95 OS, or in earlier 90s, when they publish their MSDOS 6.0, the ''ingenious'' Microsoft programmers can count their year from 1995 to 2000 or 2001, and then they would have realized that their stored dates in the files are not sufficient. And these MS guys didn't even need to pay for 1 cent for Y2K cost. Instead, they could pitch their new softwares Win98, or Win2000, that those don't have Y2K file:///Cwin/temp/tmp.htm problems. I just don't know what kind of justice is there, if Microsoft is not punished for their mistakes and business practices which have suffocated software innovations.

Sincerely,
Sean

P.S. I'm a software programmer for 20 years, and a hardware chip designer for 5 year. I am sorry to say that software programmers at Microsoft have one of the lower IQs on this planet. They just cannot count from 1995 to 2000, nor they don't know that attached files in the email can be malicious, nor do they know anything about 30 years of speech recognition research at IBM, and ends up buying a speech recognition company, and was unable to develop their own.

MTC–00025788

From: Tims

To: Microsoft ATR
Date: 1/26/02 4:05am
Subject: Microsoft Settlement

I think the proposed settlement for the Microsoft case is a bad idea. It will cost Microsoft a fraction of the estimated cost to donate software and the like. Also, it would reward Microsoft by allowing them to expand their market share in the area of education. There needs to be a ''cash'' pay out to schools with no incentive to purchase Microsoft related equipment.

Tims Johnson
Winter Springs, FL 32708
Blacklist Productions
http://www.blacklistfilm.com

MTC–00025789

From: MrActorGuy@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:07am
Subject: Microsoft settlement (against)

Hello:

I am against the Justice Department's proposed Microsoft settlement as it now stands because I believe it does nothing to restore competition in the software industry.

First, Microsoft was found to use its monopoly power to stop competition in areas that it felt threatened it's Window's monopoly. These two areas specifically were the internet browser market and where the Java programming language was concerned. This was because both technologies threatened to undermine the Window's Operating System, the source of Microsoft's power. I am against the proposal because it does nothing to restore competiton to the internet browser market, and it does nothing to prevent Microsoft from not supporting Java. I will further explain these two assertions. First, Microsoft already owns the internet browser market due to its anticompetitve efforts. Even if the proposed settlement was to take effect, Microsoft would be under no threat from competition in this market because it has already tied its Internet Explorer browser to Windows. In fact users of Windows have to go out of their way to use alternative products such as Netscape's Navigator Browser and from my experience many people do not even know that alternative products exist (in some cases better products). The proposed settlement does not recitify this situation, as it merely is an effort to stop Microsoft from using its power in this manner again in the future. This really is little concern for Microsoft because it does not need to do this again as it has already killed the competition in this area, and the lack of competion threatens to destroy competition in even other areas, as I will explain further later.

I want to first say that any effort to undue the wrong done by Microsoft must force it to untie its browser from Windows so that other browsers have a chance to compete with Microsoft's browser. Furthermore, Microsoft's browser must be forced to conform to open internet standards and not be allowed to use it's monoploy power to exclude alternate technologies, as it is doing now. For example, many websites now will only work correctly with Microsoft's Internet Explorer. Furthermore, some of these sites will only work correctly if you are using the version of Internet Explorer for Windows, which encourages people to use Windows out of necessity not choice. To illustrate this point I can be using the same version of Internet Explorer on a competing platform, such as a Macintosh computer, as on a Windows machine and some websites will not work properly because Microsoft has made both browsers work differently to the benefit of the Windows version. If a person needs to access some of these internet sites, or encounters this type of problem enough, that person might buy a Windows based computer the next time around just because Microsoft has made it impossible for that person to use another platform. With Netscape's browser I never had this problem. Internet sites viewed on any platform worked the same when using Netscape Navigator. Netscape made the Internet open, Microsoft attempts to make the internet only open to users of its products, which kills competition.

Another thing the settlement should force Microsoft to do is include Java support in any version of Windows that it ships. Windows XP does not do this even though other versions of Windows did. This is a devastating blow to competition. By doing so Microsoft is making it harder for developers to write software for multiple platforms because developers have to write software individually for multiple platforms without Java, whereas with Java they can write software once and it will work on various platforms. As a Macintosh user I can attest to the fact that developers will often neglect the Mac platform because they will have to spend a majority of their time writing software for Windows, which is a larger market. This kills competiton in the operating system market because people will often not buy a Mac because of a lack of software. If a developer can use Java, this problem is greatly alleviated, and Microsoft accordingly should be forced to support it. The current settlement does not do this.

Additionally Microsoft has often held an axe of sorts over the closest consumer based competitor in the operating system market. I am referring to Apple. Apple needs Microsoft Office to survive as most people who want to use Macs still want to communicate with people using Windows. Microsoft in the past has threatened to stop making Office for the Mac if Apple did not bend to its wishes, even though making Office is profitable for Microsoft . Some of these demands have been for Apple to replace Netscape Navigator for Internet Explorer as the default browser on Macintoshes(this dmaged Mac users as Netscape was equal on multiple platforms), for Apple to share some of its proprietary technology with Microsoft so it could make Windows better (taking away Apple's Operating System's superiority), and trying to get Apple to stop making Quicktime, its competing software, for Windows. A deal that guarenteed that Microsoft would produce Office for the Mac is about to expire. Microsoft should not be able to hold the Office knife to Apple's throat any longer. As long as Office is profitable on the Mac platform, Microsoft should be forced to make a version of it for the Mac that is compatible with the Window's version. Even if it is not profitable Microsoft should still be required to make the software for a while, as Microsoft's anticompetive efforts have hurt Apple's market share, and Apple should be given a chance to recover some of this. Microsoft Office started on the Mac, it should be kept there. Doing so allows Apple to compete with Microsoft without the fear of retribution. If this issue is not address, Microsoft will continue to control Apple, which might result in Apple unfairly going out of business. If this happened people like me, who prefer alternate technologies to Microsoft's offerings, will eventually be forced to use only Microsoft products. This not only is anticompetive, but anti-American, as America is about the freedom to choose. Microsoft exterted a great effort to prevent people from doing this, a stricter settlement is in order reverse the damage that Microsoft has done.

Sincerely,
Thomas Paluchniak
414 Kellogg Street #50 Ann Arbor, MI 48105 (734) 665–6381

MTC–00025790

From: donald mead
To: Microsoft ATR
Date: 1/26/02 4:10am
Subject: Microsoft Settlement

The DOJ argument in the Microsoft, MS, antitrust case were excellent. Please carry that excellence through to the end of the process and revise the settlement to reflect the findings in the case. An example of one condition that would bring the settlement more inline with addressing the findings and be cleanly enforceable would be to require MS to make freely and publicly accessible -without any restrictions prohibiting outside usage- all specifications and related information for Application Programmer Interfaces (APIs,) protocols and other interconnections between all software and hardware components at least six months to one year before MS can release a second software component that utilizes that specification. Also when MS implements any standard established by an outside organization that MS be restricted to full compliance with the standard without any additions or modifications other than approved and incorporated into the standard through procedures established by the standard setting organization. Any violation would require MS to remove from the market -with a buy back plan- all products which contain a component which is in violation of this condition with the prohibition from engaging in any activity whatsoever with regard to the product -other than offering to repay any and all purchasers- for a term of six months to one year plus the time which the initial release fell short of compliance. Any further non-compliance would result in MS relinquishing to the public domain the source code for the violating software.

This specific part of a reasonable remedy would allow MS to continue innovating while allowing other vendors to fairly compete within the operating system or application area and restricting MS from using its monopolistic advantages from subverting standards designed to benefit a competitive community and the public.

Thank you for your considerable efforts and diligence,
donald mead
Tucson, AZ
[I am an independent computer consultant whose only connection with this case is that of a concerned citizen and computer user.]

MTC–00025791

From: ruth.annd@ verizon.net@inetgw
To: Microsoft ATR
Date: 1/26/02 4:18am
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,
Ruth Ann Danielson
5411 144th Pl. SW
Edmonds, WA 98026

MTC–00025792

From: Leonard Cecil—Music of Note
To: Microsoft ATR
Date: 1/26/02 4:46am
Subject: Microsoft Antitrust case
Hello!
If you've got enough money you can buy anything—including your competition. microsoft has proved this time and time again. With the current proposed settlement, Microsoft is proposing to ''buy'' the school market with it's $1-billion penalty. Donate used hardware and software of it's own kind to schools (btw—is that $1-billion market value or production value. I doubt seriously that a CD with MS-Office cost MS more than $1 to produce, but if donated at market value will be ''worth'' many hundreds of dollars!) and thereby force the schools to tow the Microsoft line because they will not be able to afford other possible solution in the future without totally new money outputs. In this case MS sets itself up—as it's own punishment—a school monopoly by giving away Microsoft compatable hard- and software.

Now if Microsoft were to donate $1-billion worth of it's competitors'' hardware and software, that's more like a punishment, than the above reward they are being sentenced to for monopolistic practices. And furthermore, since when does the convicted get to suggest his/her punishment? The bank robber? The rapist? certainly not. Not even other white-collar criminals like embezzelors and tax evaders. But if you are big enough and rich enough, you can even buy your own punishment.
Phooey!
greetings
Leonard Cecil

MTC–00025793

From: shahid ali
To: Microsoft ATR
Date: 1/26/02 4:51am
Subject: Microsoft Settlement
they filed lawsuit only for a full marketing purpose. They are doing nothing but marketing their own name, everyone knows that microsoft is devoted for the betterment of computer industry. If microsoft favouring the people of the world then who are they to stop microsoft, favouring mankind.
shahid

MTC–00025794

From: A1 Davis
To: Microsoft ATR
Date: 1/26/02 4:56am
Subject: Proposed anti-trust settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
CC: davisal@usa.net@inetgw

MTC–00025794 0001

Albert R. Davis, MD
438 May Street
Elmhurst, IL 60126
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW, Washington, DC 20530
January 25, 2002
Dear Ms. Hesse,
I would like to take this opportunity to forward my comments to you regarding the proposed anti-trust settlement in the case of USDOJ v Microsoft. I am an anesthesiologist by profession, but have used personal computers since purchasing my first in 1982, and have an undergraduate degree in Accounting and Business Data Systems. I have maintained a strong interest in computers since 1982 and have business experience both as a programmer and as the owner of a computer sales firm.

I want to make it clear at the outset that I am completely opposed to the settlement as proposed. Microsoft's reasons for their position are specious, at best, and the proposal offers neither remedy for Microsoft's past transgressions nor protection from further abuse of both competing interests and the public at large.

As you know, Microsoft was essentially born with a silver spoon in its mouth. The company was intially granted a contract to provide IBM with an operating system for their then-new PC, which at the time immediately overran the PC world and rapidly eliminated virtually all of IBM's hardware competition in terms of non-IBM based architecture. While IBM developed an open architecture for their hardware, Microsoft immediately and aggressively pursued supplier contracts with IBM's competitors, thus very rapidly achieving a monopoly position in terms of operating system market share. By the time IBM introduced the PC-XT, Microsoft held well over 50% of the OS market, including the PC-DOS product sold by IBM under license from Microsoft. In the mid-1980s the limitations of MS-DOS were becoming apparent and IBM and Microsoft started work on what eventually became IBM's 0S/2 and Microsoft's Windows NT. Meanwhile, Microsoft initiated sales of their DOS-based Windows product. While early Windows products languished, Microsoft made enormous profits from sales of DOS which they used not only to improve Windows but, more importantly, to buy influence in the PC press and among manufacturers. At a time when PC Magazine often contained more than 400 pages per issue Micorosft bought enormous quantities of ad space, and the largesse of their parties at trade shows and media events was legendary. Microsoft was certainly a major force in the industry and until this point the company was an all-American success story of luck combined with high energy and intelligent business manuevers.

MS-DOS was essentially unchanged from its initial versions until the release of version 4, at which point Microsoft began to write code designed to take advantage of improvements in PC architecture. Its early experience was dismal however, and not only did Microsoft receive its first substantial criticism in the press, it also left itself open for the first time to competition from competing software firms. It was Microsoft's response to this competition—Quarterdeck's desqView and it's associated memory management software, QEMM—that led to my first personal encounter with their detrimental and predatory practices. To make a long story short, I found that Microsoft's Windows 3.0 installation routine searched for a memory manager product from Quarterdeck called QEMM. If it found QEMM, Windows would refuse to install. QEMM released patches, and Microsoft promptly came up with new ways to seek out QEMM and refuse to install. The issues were not related to incompatability or instability—QEMM was a clearly superior product. The entire situation was due to Microsoft's intentional and deliberate willingness to sacrifice the user's time and money in order to defeat Quarterdeck in the memory manager application space. Quarterdeck ultimately declared bankruptcy in the early ''90s. This was about the same time period that Microsoft first became noticed within the industry for possible antitrust violations because of a series of alleged patent infrigements and copywrite violations against various companies writing software utilities designed to enhance the performance of Windows. In every case, however, Microsoft succeeded in either appropriating technology or simply driving companies out of business because they had such enormous cash flows that no single small competitor stood a chance against them in court. This was also the time period when Microsoft began to impose what is now called the ''Microsoft tax'' on PC buyers. Microsoft began to write exclusive, ''per-processor'' royalty agreements with computer sellers, which meant that anyone who bought a PC was forced to buy the current version of Windows whether they intended to use it or not. The exclusive nature of those contracts prevented

PC retailers from offering any OS other than Microsoft's, and the per-processor tactic forced PC buyers to pay for an MS OS even if they wanted a computer with no OS on which they would subsequently install a non-MS OS. While the ''per-processor'' clauses may have been eliminated by Microsoft's 1995 consent decree, the fact remains that it is nearly impossible today for an individual to purchase a PC which does not have Microsoft's OS de jour installed on it. In 1995, however, when I went shopping for a PC with IBM's OS/2 OS installed on it, I was unable to find one, despite contacting each of the top 10 PC manufacturers in business at the time. In every case, I was told that I would have to purchase a PC with Windows on it; buying a PC with no OS was not an option. That was the year I began to build my own computers, which is a practice I continue today for essentially the same reasons.

MTC–00025794–0002

Microsoft's business practices from the early 1990s to today are, I'm sure, well known to you. While Microsoft's legal strategy throughout the antitrust struggle has focused on ''innovation'', the fact is that their business strategy has been much more focused on acquisition. Today 0S/2 is not available on any retail PC that I am aware of, and Linux is supported only as a grudging concession to user demands by companies which are afraid to anger Microsoft.

Microsoft's monopoly has indeed been bad for the industry—witness the decrease in the size and number of both popular and trade journals and magazines, despite the ever present growth of the PC industry (until this year.) Consider that OS/2, which has had practically zero support from IBM since 1988, is still in use in banks and insurance companies across the county. Imagine the growth and innovation which might have arisen from this radically different OS had they had the benefit of a fair sales environment for the past decade. Linux, which is certainly the most innovative business model of the past 50 years, and which offers direct competition to Microsoft, has been stifled much more by Microsoft's strong-arm techniques than by the shortcomings of its sales approach. Even when one considers what is called the ''network effect'' of an OS which tends to generate pressure towards a monopolistic economic model, the network effect alone cannot begin to account for the inability of either of these equivalent (if not superior) operating systems to affect Microsoft's market share.

Microsoft's monopoly has been equally bad for consumers. The vast majority of computer users simply are not equipped by either propensity or training to become software experts any more than the average driver is equipped to become a mechanic. In the automobile industry reliability has become a given precisely because of that fact. In the Microsoft dominated OS industry, however, unreliability has become a fact of life, to the extent that having a friend or neighbor with computer experience is often listed as an important factor in the computer purchase decision. Microsoft's monopoly position has allowed them to abrogate their support responsibility towards their customers almost completely; since the vast majority of OS sales occur in tandem with new computer sales, and since Microsoft now requires many OEMs to support Windows for them, Microsoft has lost practically all incentive to design reliable products. They are pouring their time and expertise into the acquisition and development of new technology, while caring little for the reliability of their current products. The time and expense costs to both individuals and businesses is enormous; it is common to hear stories of upgrades that never happen because ''We finally got it working right, and we don't want to mess with it.''

MTC–00025794–0003

The current proposed anti-trust agreement is completley unsuited to solving the problems which exist today because of Microsoft's monopoly, but there is a simple, fair solution. Rather than writing a detailed, convoluted agreement which attempts to address a myriad of problems in a very specific way, each of which can easily be circumvented, the DOJ can achieve the goals of fair business practices, customer service improvement and the elimination of an illegally maintained monopoly thrugh two simple actions.

First, the DOJ should prohibit Microsoft from selling any of its software as part of a hardware ''bundle'' for a period of at least five years. Microsoft should be allowed to sell directly, through retail, as a contracted supplier to busines or by any other means possible, as long as their products are not bundled with, contingent upon or in any other way linked to the sale of computing hardware unless the hardware is manufactured by Microsoft (such as their mouse, but even including a complete PC should they choose to manufacture one.)

Second, Microsoft should be forbidden from purchasing any company outright, obtaining a majority share in any company or exclusively licensing any company's technology for an equally long time period.

The application of these two constraints will meet all of the DOJ's requirements while not placing unfair, irresponsible or destructive mechanisms in place against the company. Forcing Microsoft to sell its products to the public rather than to OEMs will finally allow the general public to become aware of Microsoft's competition simply because they will see it in the store when they shop; business users, meanwhile, will be able to negotiate with Microsoft for the products they need without the necessity of factoring the ''Microsoft tax'' into their purchasing decisions. Placing responsibility for the sale back into Microsoft's hands will also require them to once again consider the reliability and stability of their products—performance issues will no longer be ''someone else's problem.'' Installation, maintenance and comparability will all benefit from Microsoft's assumption of this responsibility.

By forbidding Microsoft from gaining exclusive control of computing technology, the restriction against purchasing/exclusive licensing will ensure that Microsoft will not be able to use their 80 billion dollar cash hoard to simply shut out the competition from innovation. Microsoft may obtain new technology as it evolves in the industry, but they must be restrained from preventing their competitors from accessing that same technology.

These two constraints are simple, difficult to circumvent, easily enforceable and reasonably achievable. While economic shifts are anticipated from any effective remedial measures, these restrictions will ensure that the market changes will be relatively gradual and non-disruptive to the company. Assuming that the market responds to the public's need for simple installation and operation of computer OSs the impact on the public will be minor. The additional expense of purchasing an OS will be offset by the decline in hardware prices. While these remedies would not prevent a Microsoft competitor from attempting to obtain exclusive licensing agreements with OEMs, the practical residual effects of Microsoft's current monopoly would make it unlikely for any OEM to sign such agreements. Microsoft has transformed over the years from a lucky, plucky company in the right place at the right time into a malicious behemoth interested only in the domination of its competition without regard to the best interests of its own customers. The currently proposed remedies do not substantially alleviate this transformation, and some other means must be found to re-introduce real innovation and competition into a vital sector of the American economy.

MTC–00025794–0004

I hope you will give serious consideration to these comments, and I appreciate your attention.

Sincerely,

Albert R. Davis, MD

MTC–00025795

From: PAUL HENRY
To: Microsoft ATR
Date: 1/26/02 4:57am
Subject: MICROSOFT SETTLEMENT

I CAN'T UNDERSTAND THE ABSURDITY OF THIS CASE AGAINST MICROSOFT WHO IS NOT A MONOPOLY I DON'T CARE HOW THE JUDGE SEES IT WHAT A MANIPULATION OF THE COURT SYSTEM . CHECK IT OUT TODAY LINUX IS STEALING BUSINESS FROM MICROSOFT IBM HAS A LINUX ONLY SERVER AVAILABLE , AOL HAS FORTY MILLION USERS AND WITH TIME WARNER HAS AN ENORMOUS EDGE OVER MICROSOFT ON THE INTERNET AN UPSTART CALLED LINDOWS IS CHALLANGING MICROSOFT BEA OPERATING SYSTEM IS READY TO CHALANGE ON THE .NET STRATAGY . THE ORIGINAL CASE WAS FOR BUNDLING INTERNET EXPLORER WHERE IT WAS RULED BY THE COURT THAT MICROSOFT WAS WITHIN THE LAW TO DO SO , AT THAT TIME THE CASE SHOULD HAVE BEEN DROPPED , BUT JUDGE JACKSONS VENDETA AGAINST MICROSOFT KEPT HIM GOING TO BRING CHARGES THAT WERE NOT IN THE ORIGINAL CASE CAN SOMEBODY EXPLAIN TO ME HOW WHEN YOU HAVE ALL OF THESE BILLIONARES

SCOTT MCNEALY, LARRY ELLISON,ECT ... THAT THE COURT ALLOW'S THEM TO COMPETE TO DESTROY MICROSOFT WITH LAWYERS INSTEAD OF MAKING THIER OWN COMPETING PRODUCT , THEY HAVE THE RESOURCES ,IBM WAS A JUGGERNAUGHT WITH OS2 WHEN BILL GATES WAS A NOBODY . EVERYBODY HAS A CHOICE TO BUY AN APPLE COMPUTER WHICH IS A PERSONAL COMPUTER JUST THE SAME AS A WINDOWS PC IT ''S OPERATING SYSTEM IS BASED ON UNIX THE SAME AS SUNS SOLAIRIS AND THE MANY OTHER FLAVORS OF UNIX WHICH IS WHAT MOST COMPANY'S AND THE GOVERNMENT USE ON THEIR SERVERS. OTHER OS'S ARE BEA, CALDERA ,DOS, COBALT, DR. DOS, ECT... PEOPLE USE MICROSOFT BECAUSE THEY ARE THE BEST, BECAUSE THEY ARE THE ONLY ONES WHO HAVE SPENT BILLIONS IN RESEARCH TO DEVELOP THE ONLY NEW OPERATING SYSTEM BUILT FROM SCRATCH IN FIFTY YEARS , AND BECAUSE THEY ARE THE ONLY ONES WHO HAVE BUILT SOFTWARE THAT WILL WORK WITH THE MILLIONS OF PROGRAMS THAT ARE WRITTEN OUT THEIR .CONSUMERS HAVE A CHOICE SO MICROSOFT IS NOT A MONOPALY JUST THE BEST . SYMANTEC , MCAFEE , AND GAME MANUFACTURERS MAKE FAR MORE MONEY THAN MICROSOFT WITH LITTLE EFFORT COMPARED TO THE MAKING OF WINDOWS XP FOR NINTY NINE DOLLARS , LESS THAN A GOOD MEAL AT A RESTARAUNT I GET FREE UPDATES FOR YEARS , AND IN THE PAST MOST USERS SHARED OR PIRATED A COPY FOR THEIR FRIEND'' S TO BOOT AT MICROSOFTS EXPENSE . SYMANTEC AFTER PAYING SEVENTY DOLLARS FOR THIER VIRUS PROGRAM WARNS ME ON A DAILY BASIS AFTER TEN MONTHS TO ANTY UP FIFTY MORE DOLLARS FOR AN UPRADE I HAVE TO PUT UP WITH THIS DAILY AND IF I CAN'T STAND IT ANY MORE, LOSE TWO MONTHS BY PAYING UP . MICROSOFT IS WITHIN THEIR RIGHTS TO DO THE SAME THING MAKE YOU PAY EVERY YEAR TO USE THE OS , AND THEY ARE WITHIN THIER RIGHT TO CHARGE FIVE THOUSAND DOLLARS A COPY AS IT IS MY WRITE NOT TO PAY IT . HOW DARE THE GOVERNMENT AND AOL , SUN , ECT...USE TNE COURT SYSTEM TO EXTORT MONEY FROM MICROSOFT JUST BECAUSE THEY ARE SUCCSESFUL WHY DON'T THEY COMPETE IN THE MARKET PLACE , AND TO THE GOVERNMENT TAX EACH OPERATING SYSTEM IF YOU WANT MONEY, CALL IT WHAT IT IS BECAUSE THE PRICE WILL HAVE TO GO UP TO GIVE YOU YOUR SHARE, BUT REMEMBER YOU ARE NOT ONLY STEALING FROM MICROSOFT , YOU ARE ALSO STEALING FROM THE STOCKHOLDERS , 401K RETIREMENT ACCTS. , TEACHERS ,FIREMEN, POLICE , MOTHERS, CHILDREN ,ECT ... LET THE MARKET DICTATE WHAT HAPPENS , LET BILL INOVATE AND LET US ENJOY WHAT WE HAVE BECAUSE OF HIM . HE SPEND S BILLIONS ON CHARITABLE CAUSES BESIDES WHAT HE HAS DONE FOR MODERN TECHNOLAGY DON'T CAUSE THIS COMPANY TO FOLD LIKE ENRON BECAUSE OF FRIVILOUS LAWSUITS

MTC–00025796

From: valuelink1
To: Microsoft ATR
Date: 1/26/02 5:00am
Subject: Microsoft settlement
240 N Michigan Avenue
Villa Park, IL 60181–2073
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Attorney General:

I had been hopeful that the Justice Department would settle its anti-trust lawsuit against Microsoft for the last year and a half, and I am glad to see the two sides were finally able to reach a reasonable compromise in November of last year. This case has dragged on for much too long, and it is time for the government to spend its time and energy on more important issues than trying to hinder the success of an innovative company such as Microsoft.

Our nation's economy is struggling at the moment, and settling this case will do much to stimulate it. Once competition increases in the technology industry it will get a real boost, and this will affect the whole economy. This will be made possible by Microsoft's willingness to grant rights to computer-makers that will allow them to promote non-Microsoft products within Windows. There is no reason to extend this lawsuit past this point. I appreciate your settling this case and stopping litigation at the federal level. I am looking forward to seeing the government focus on improving the economy in the future.

Sincerely,
Dennis Chesney
dennis@valuelink1.com
cc: Representative Henry Hyde

MTC–00025797

From: ROBERT E LAMBDIN
To: Microsoft ATR
Date: 1/26/02 5:16am
Subject: Microsoft Settlement..

Dear Sir.. Think that the agreement with Bill Bates of Microsoft is fair, and I don't think that you need to drag your feet any longer on this matte settle and lets get on with life and turn your time into helping us X Service men with our dire needs. help is needed today..Robert Eugene Lambdin.. Retired USN..

MTC–00025798

From: Luc Pardon
To: Microsoft ATR
Date: 1/26/02 5:25am
Subject: Microsoft Settlement

Dear Sirs,

Although a citizen of a European Community country, and not a U.S. citizen, I'd like to have my objections on the proposed Microsoft settlement on record.

The proposed settlement will not reverse the harm done by Microsoft as a result of its unlawful actions. Instead, it attempts to prevent them from continuing these actions. To most every prohibition listed, however, there is an ''except'' clause, listing in vague terms the conditions under which Microsoft would be excempt from the restriction.

It is clear that this will make enforcement impossible, since costly lawsuits will be needed to stop any percieved infringement. This is out of reach for most competitors. It certainly is for companies like mine.

Therefore it is clear that the proposed settlement is ineffective and insufficient. In fact, it will freeze the current situation, which has been established as a consequence of Microsoft's unlawful actions.

Finally, I'd like to point out the harm done to the U.S. international reputation. The sudden reversal of position by the DOJ upon the instatement of Mr. Bush's government has not gone unnoticed, and was in fact expected. Western civilisation is based on separation of powers. The current situation is percieved as a vaudeville. It severely undermines the credibility of the United States as a Western civilized nation.

Thank you for your attention, Luc Pardon
Chief Executive Officer
Skopos Consulting
Middeveldweg 1
Hombeek
Belgium

MTC–00025799

From: Anders Stankiewicz
To: Microsoft ATR
Date: 1/26/02 5:25am
Subject: Microsoft Settlement

In order to restore competition in the software business, Microsoft must be broken into 3 separate companies. One for windows, one for office applications and a third for internet related software. The windows company must be restricted to only building APIs that othercompanies may use.

The Office company must be restricted in the same way from adding direct internet functionality. Rather they must build links to standardised functions such as mail and viewing web contens from inside the office applications. These links must allways be generic and open and allow any other vendor to sell such a software.

If a product is the best, it must have a chance to win... that is not the case currently when Microsoft sets its sights on something.

Sincerely
Anders

MTC–00025800

From: donkenney@compuserve.com@inetgw
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 5:36am
Subject: Microsoft Settlement

I am merely a layperson and perhaps I misunderstand. I thought that the purpose of an antitrust settlement after the misbehavior of the defendant was determined, was to ensure that the defendant would go forth and sin no more. I must say that Microsoft does not seem to me to be a very repentent miscreant, and that—given that Microsoft probably has no intention of giving up its monopolistic ways without a fight, the DOJ negotiated agreement appears to be utterly inadequate.

It appears to me that the agreement constitues a summary of Microsoft's past anticompetitive practices and a collection of

niggling legalisms that might — on very good days—prevent some of them from being repeated.

I would suggest that what is needed instead is a blanket prohibition on ANY practices that allow Microsoft to use its monopoly in the operating system market to further ANY non-OS Microsoft corporate activity of any sort. This should be coupled with effective enforcement mechanisms and draconian financial penalties for transgressions.

I would suggest that any settlement that falls short of that level will merely lead to another trial, another conviction and another settlement a few years downstream.

Why not do the job properly now?

Donald Kenney

MTC–00025801

From: Megan Deon Cross
To: Microsoft ATR
Date: 1/26/02 5:43am
Subject: Rationals

MTC–00025802

From: Philippe Verdy
To: Microsoft ATR
Date: 1/26/02 5:49am
Subject: Microsoft Settlement

About the James K. Glassman's quote: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.'' How can such an argument come to the legal field ? There is absolutely no reason why a company can do all it wants, simply because it has a dominating position in the market place. Microsoft has a dominating position, but this CANNOT be an argument that authorizes it to ignore legal constraints that apply to it and all its competitors. If it was the case, then the laws that prevent a company or person to abuse its dominating position in a given area would be senseless.

Fair competition requires that even dominating actors respect the same constraints than its competitors, even when this dominating actor is important or vital for a given economy: the economy is based on the fair competition between actors, whatever their size, nature, or importance. This allows for renewal of the marketplace. And this is also required for the constitutional rights in most democracies that gives the freedom of establishing businesses to every people or company.

The laws that protect consumers or competitors, and allow them to make business in a free but regulated market, act for the long-term safety of the economy: a dominating actor is exposed to the general business-place risks, and may not survive a possible future business-crash, and it is vital for the overall economy that competitors can offer the service previously offered by the dominating actor. And allowing competitors to make business also acts in favor of innovation, by allowing a richer range of alternative products, services and technologies: this is a benefit for the consumer which can determine what he really needs, and which can buy something else that the expensive package what the dominating actor proposes. All this means that Microsoft, as well as its competitors, must respect all fair business rules, including equilibrated business contracts between it and its consumers, providers or co-branding partners. When an actor has a dominating position, the terms of such business contracts tend to become mostly unequilibrated in favor of the dominating actor, which adds constraints and rules that prevent it from its fair obligation without giving any counterpiece to its co-contractants. This is caused by the fact that these contractants have in fact no real possible choice when signing a business contract with this dominating actor.

In that case, the legal intitution must control the terms of all business contracts proposed by the dominating actor, and compare it with terms proposed by other competitors, so that unequilibrated terms of such contracts can be declared void by the justice. When a practice becomes too common, the authorities can regulate nationaly or internationaly to fix a common direction for the justice authorities, and give them legal arguments that can prevent unfair practices.

Philippe Verdy.

France.

MTC–00025803

From: Glenn Holmer
To: Microsoft ATR
Date: 1/26/02 6:09am
Subject: Microsoft Settlement

Dear Sirs:

I am writing in reference to the proposed settlement in the Microsoft antitrust case. I am a professional programmer with 15 years experience, covering numerous operating systems, computer architectures, and programming languages.

I do not feel that the proposed remedies are adequate in the area of documentation. In order to remedy Microsoft's past behavior and prevent it from occurring in the future, the government needs to require that *all* programming interfaces be made public. This includes not only operating system APIs, but networking protocols and file formats as well. (I do not think Microsoft should be required to make its source code public; the implementation details of these interfaces are what make one company stand out with a superior product, and should be protected if the company wishes them to remain proprietary.)

Section III.E of the proposed judgement does not go far enough. All networking protocols must be made public (not just licensed) in order to make sure that server products designed to work with Windows (especially Open Source projects like the Samba project, http://samba.org) do not face a barrier to entry. It is crucial that the Justice Department take a stand in this area now, before Microsoft is allowed to gain an illegal advantage in the emerging area of web services with its .NET technology.

The proposed judgement does not mention disclosure of the formats for data files created by Microsoft applications. As the Findings of Fact notes in section III.B.1.39, ''the size of Windows'' installed base impels ISVs to write applications first and foremost to Windows''. File formats must be made public in order to reduce barriers to entry in the area of productivity applications, specifically word processors, spreadsheets, etc. designed to be compatible with Microsoft Office (for example, Star Office: http://www.sun.com/software/star/staroffice). I can cite personal experience in this area, as job recruiters in my field nearly always require resumes in Microsoft Word format.

Unless stronger measures than those proposed are taken in these areas, I feel that the government's considerable efforts in addressing these issues will have been wasted. Microsoft will still be able to compete on the basis of the quality of its products compared to those of other companies, but if the remedies are not stronger, that competition will never get a chance to exist.

(Note: the address I am mailing from is my home e-mail; my business e-mail is listed in the reply-to header and below.)

Glenn Holmer
gholmer@weycogroup.com
Programmer/Analyst
phone: 414.908.1809
Weyco Group, Inc.
fax: 414.908.1601

MTC–00025804

From: jin choung
To: Microsoft ATR
Date: 1/26/02 5:54am
Subject: Microsoft Settlement

hello,

please don't let microsoft off the hook with a mere slap on the hand. you cannot count on any corporation to ''throttle back'' of its own accord. every corporation deserves freedom and has its rights but when a corporation oversteps its bounds, it needs to be FORCED into its place. not coaxed. not persuaded. not asked.

jin choung
glendale, ca.

MTC–00025806

From: Ron arky
To: Microsoft ATR
Date: 1/26/02 6:08am
Subject: Microsoft settlement

I feel the start of the dot com crash was the microsoft suit, the sooner it is settled and put behind us the sooner the market can return to normal.

Respectfully
Ron Keller

MTC–00025807

From: Zephyrus14@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:15am
Subject: Microsoft Settlement

To Whomever 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.

Yours Sincerely,

Adam Myers.

MTC–00025808

From: Steve Waldman
To: Microsoft ATR
Date: 1/26/02 7:12am
Subject: Microsoft Settlement

The attached Tunney Act comments have been submitted by fax (26-January-2002), as an e-mailed PDF document (26-January-2002), and by a commercial overnight carrier (delivery a.m., 28-January-2002). I apologize for the multiple modes of submission, but it is important that these comments be verifiably received by the morning of January 28. I would be very grateful if the Department could provide an acknowledgement of on-deadline receipt of these comments, perhaps by e-mail. Many thanks for your attention and assistance.

Steven Waldman

MTC–00025808–0001

Steven Waldman
44 Stridesham Ct
Baltimore, MD 21209
(410) 336–1408
swaldman@mchange.com
January 26, 2002
US Department of Justice
Antitrust Division
601 D Street NW
Suite 1200
Washington DC 20530
Attn: Renata Hesse

Re: Comments regarding Proposed Final Judgement

United States v. Microsoft Corporation
Civil Action No. 98–1232

Thank you for the opportunity to comment upon the US v. Microsoft Proposed Final Judgement, published in the **Federal Register** on November 28, 2001.

The Proposed Final Judgement as written is not in the public interest. I urge the Department to pursue remedies substantially different from those proposed, whether via further negotiations with Microsoft, or through adversarial proceedings. If the settlement is presented to the District Court without substantial modification, I would urge Judge Kollar-Kotelly make a determination under the Tunney Act that the Proposed Final Judgement would not serve the public interest.

The Proposed Final Judgement Would Do Positive Harm It may seem odd to suggest that an antitrust remedy could be positively harmful. After all, regardless of the remedy, a convicted monopolist cannot leave an antitrust proceeding with more rights than it had when it arrived, and usually leaves with fewer. However, a poor remedy can indeed leave the public in a situation worse than the status quo ante. The current Proposed Final Judgement does so, in two ways.

First, the PFJ describes, permits, and envisions specific future conduct on the part of Microsoft that would itself be anticompetitive. By providing implicit government endorsement for this conduct, the PFJ would make it difficult for the Department, the States, or private third parties to bring proceedings against Microsoft to curb it at a later date. Second, the PFJ contains enforcement provisions whose primary practical effect would be to delay and reduce the likelihood of further action should the company continue to behave unlawfully. In other words, while the Proposed Final Judgement does place Microsoft under some new constraints, it places the DOJ and other potential litigants under even greater constraint. The net effect would be a diminishment rather than an increase in deterrence of Microsoft's anticompetitive behavior.

PFJ Explicitly Permits Continued Anticompetitive Practices The purpose of the Proposed Final Judgement is to remedy Microsoft's unlawful conduct, specifically its unlawful maintenance of a monopoly in Intel-compatible PC operating systems. The reasoning behind the Court of Appeals upholding of the monopoly maintenance claim centered on the idea that there is an ''applications barrier to entry'' to operating system markets, but that this barrier to entry could plausibly be chipped away at by a class of applications referred to as ''middleware''. The Court held that Microsoft engaged in various practices to ''protect[] Microsoft's monopoly from the competition that middleware might otherwise present'', in violation of Section 2 of the Sherman Act. It is these practices that must be remedied. In particular, the Court held that by virtue of restrictive contracts with computer manufacturers (''OEMs''), internet providers (''IAPs''), software companies (''ISVs'') and by other means, Microsoft impeded the widespread distribution of middleware that might have threatened its monopoly.

Section III.C.3 of the Proposed Final Judgement forces Microsoft to allow OEMs to automatically launch non-Microsoft middleware at the end of a PCs boot sequence, but only ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time''. By this caveat, the PFJ endorses a restriction in an OEM licensing agreement that would otherwise constitute a violation of Section 2 of the Sherman Act under the Court of Appeals'' reasoning. The caveat is anticompetitive on two counts. First, it permits Microsoft to ''choose its battles'': Microsoft need only face challenges from automatically launched middleware where the company feels its own offerings have an advantage. Should a competitor create an innovative middleware product that would threaten Microsoft's applications barrier to entry, Microsoft can prevent its distribution as a default running service indefinitely, by simply not fielding an offering of its own or by quietly integrating but not trademarking its offering (see the definition of a ''Microsoft Middleware Product'', PFJ, Section VI.K.2.b.iii). Secondly, the caveat necessarily permits competing middleware only if OEMs include Microsoft's offering as well, since by definition (again, PFJ, Section VI.K.2) a Microsoft Middleware Product is a part of a Windows Operating System Product. The Appeals Court noted several reasons why OEMs are reluctant to include two products of the similar functionality in a default installation, including customer confusion; increased support and testing costs; and that it is a ''questionable use of the scarce and valuable space on a PCs hard drive.'' (the Appeals Court quoting the District Court's Findings of Fact) These considerations are cited by the Court in holding unlawful and exclusionary OEM contracts that forced a choice of including Microsoft middleware alone or Microsoft middleware plus a similar competitor. Additionally, even when competitive middleware is preinstalled alongside Microsoft's offering, ''network effects'' would put any one of several non-ubiquitous occasionally installed competitors at a serious disadvantage with respect to offering by Microsoft, even if inferior, that is guaranteed to be present on all installations. Should Microsoft force an ''ours or both'' decision with respect to competing middleware as a condition of OEM Windows licensing, it would most certainly be anticompetitive. However, it would also be explicitly sanctioned by the Proposed Final Judgement, and therefore difficult for the government or a third party to oppose. [1]

To the degree that Section III.C might have any effect in allowing OEMs to integrate third party middleware with a Microsoft OS, Section III.H.3 largely eviscerates the hazard to the monopolist by foreseeing a mechanism by which the company's operating systems could ask end-users to confirm an alteration or undoing of OEM additions to the OS fourteen days after the consumer first turns on a PC. For example, under this section, an operating system would be permitted to present a dialog box stating, ''Windows has detected that this configuration has been modified from Microsoft-recommended defaults. This may lead to incompatibilities or system faults. [Correct Now?] [Cancel]'' Clicking ''Correct Now?'' would replace OEM-installed non-Microsoft middleware with Microsoft's offering. If faced with the question, a court might determine that such a presentation (which Microsoft's competitors would be unable to make) would constitute unlawful monopoly maintenance by Microsoft. But it would be difficult for the government or for a private litigator to make that case in the face of a Final Judgement that clearly endorses the conduct. The problems thus far mentioned are not unique. The

Proposed Final Judgement is riddled with ''loopholes'' that not only make it a weak remedy, but that foresee and allow specific behavior by Microsoft that in the absence the Final Judgement would be actionable. By complicating potential future public or private antitrust enforcement against Microsoft, the Proposed Final Judgement would encourage misconduct and do positive harm to competition in the software industry.

PFJ Specifically Discriminates Against ''Open Source'' Competition Over the past several years, a novel approach to software development known as ''open source'' has risen to prominence. Under the ''open source'' development model, many widely dispersed individuals, businesses, and other entities collaborate in the production of complex software products, contributing to what over time has become a rich commons of collectively authored software. ''Open source'' software is made available free of charge, under licenses that permit widespread redistribution and modification by users, sometimes with the restriction that any derived works must be made available to the public under the same terms.

The business model that supports the continued development of open source software remains to be fully understood. The licensing terms of open source software prevent the exploitation by authors of any limited monopoly that would enable them to profitably ''sell'' software as traditional software vendors, such as Microsoft, have done.

Nevertheless, a wide variety of actors including individual hobbyists, multinational companies, public and private universities, governments, and nongovernmental organizations have found sufficient incentive to invest substantial amounts of time and money into the production of open source software. In the face of Microsoft's successful and unlawful monopoly maintenance, very few traditional software vendors still stand as competitors in the company's core market of Intel-compatible PC operating systems. Behemoths like IBM and scrappy upstarts like Be, Inc. have battled to gain a fingerhold, but failed to make any headway at all, and their products (IBM's OS/2, Be's BeOS) have all but faded from the computing landscape. The only non-Microsoft operating system that has managed to grow its share dramatically despite Microsoft's well-established pattern of anticompetitive behavior is the open source operating system Linux. Other open source projects that have competed effectively with Microsoft include Samba (which provides Windows interoperable file and print services to computer networks) and Apache (the most popular web server on the Internet).

It appears that the open source development model is somewhat resistant to the sort of anticompetitive behavior that has been effective for Microsoft in the past. One might even argue that the explosion of open source software over the past few years is a response by businesses, developers, and users to an artificially straitened ''traditional'' software landscape, and is perhaps attributable at least in part to Microsoft's anticompetitive behavior. As traditional vendors have receded from whole categories of software under the self-fulfilling truism that competing with Microsoft is akin to suicide, many entities have for one reason or another decided that the cost of contributing a small portion to the development of alternatives is less than the direct costs (continual licensing fees) and indirect costs (the failings of software not adequately tailored to their needs; uncertainty and future costs created by vendor lock-in) associated with relying on Microsoft products.

Regardless of the whys, open source software now stands as one of the few sources of effective competition against Microsoft. Indeed, while many of the battles that prompted the Justice Department's action against Microsoft are now past and prologue (e.g. the ''browser wars'' between Netscape and Microsoft), the struggles between open source Linux and Windows in the server space and between open source Apache and Microsoft's IlS remains, among many others, remain active and fierce. [2] Any remedy to Microsoft's anticompetitive behavior that diminishes the likelihood that open source projects can effectively interoperate with and compete against Microsoft's offerings would harm competition in the software industry. Unfortunately, the Proposed Final Judgement in several places explicitly permits Microsoft to discriminate against open source competitors.

Importantly for open source developers, Sections III.D and III.E of the Proposed Final Judgement would obligate Microsoft to disclose APIs, communication protocols, and documentation that might be required to interoperate with a Windows Operating System product. However, the caveats of Sections III.I and III.J restrict these earlier sections, and would allow Microsoft to essentially exclude open source competitors from access to or the use of this information.

For the disclosure requirements of Sections III.D and III.E to have any effect, competitors must be able to use the information disclosed to develop and distribute competing and/or interoperating products.

However, Section III.I foresees a regime under which the disclosed information must be licensed, as it continues to be the proprietary, intellectual property of Microsoft. Section III.I guarantees ''reasonable and non-discriminatory terms'' for such licensing, based on the payment of ''royalties or other payment of monetary consideration''. However, ''reasonable and non-discriminatory'' commercial terms inherently discriminate against open source software, which by virtue of its licensing must be freely distributable and modifiable. Under ordinary circumstances, a company certainly should have the right to offer use of its proprietary technology only under commercial license, and this would legitimately prevent those who might wish to distribute open source applications based on that technology from doing so. But in the case of a company that has a monopoly over a substantial portion of the computing world and that has maintained that monopoly through unlawful anticompetitive conduct, allowing it to require competitors to pay even ''reasonable'' licensing fees in order to interoperate with its monopoly product provides the monopolist with unjustifiable reward for its misbehavior. In Microsoft's case, permitting such licensing is particularly insidious, because even if it were to provide licensing of its putative IP on absurdly generous terms, for example if it were to levy a royalty of 1 cent per thousand copies, it would immediately exclude what in the present real world are currently its most tenacious competitors from any possibility of interoperating with its software. By permitting ''reasonable and non-discriminatory'' commercial licensing of technologies the use of which is required in order to compete against and interoperate with Microsoft technologies, the Proposed Final Judgement condones and foresees a practice that would exclude and discriminate against important open source competitors.

Section III.J restricts the scope of the PFJ disclosure requirements where security technologies (''anti-piracy, anti-virus, software licensing, digital rights management, [and] encryption or authentication systems'') are concerned. Unfortunately, in today's networked world, no software is untouched by security concerns, and any non-trivial internet application must make use of and interoperate With encryption and authentication systems. Further, non-disclosure of security-critical techniques and protocols is unnecessary: the professional computer security community is nearly unanimous in its disavowal of the notion of ''security through obscurity''. A well-designed system should be secure even in the face of an attacker who fully understands the algorithms and protocols used to enforce the security. This is not as difficult as it sounds: the academic literature is filled with encryption algorithms and protocols that have never been broken despite massive peer-review, and even some that are ''provably secure''. Historically, non-disclosure of security techniques in software has more often served to provide cover for shoddy work than to even arguably enhance security. ''Security by trade secret'' is invariably broken, because, invariably, secret techniques are not subjected to sufficient peer review, and weak secret techniques can be reverse-engineered and then compromised. (See the recent history of CSS, a once-secret, easily broken, scheme for protecting DVDs, for a topical case-in-point.) Microsoft has a particularly poor security record, with respect to both the inadequate security of its products, and its attempts to restrict disclosure in hopes of covering up embarrassing lapses.

Open source software, in general, has a much better reputation for security, owing in large part to the fact that security algorithms in open source software are necessarily published, and are therefore subject to widespread review. Thus it is ironic that Section III.J.2 of the Proposed Final Judgement explicitly allows Microsoft to condition disclosure of security-sensitive technologies to those who ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Since most

open source software projects are not developed or ''owned'' by any one business, and since the terms of open source licensing often require disclosure of source code, III.J.2 effectively excludes open source software from any access to protocols, APIs, and other information that might be required to interoperate with or compete against Microsoft products that include a security component. Any significant application now must have security designed into it, so Section III.J.2 could be used to effectively lock open source competitors out of the disclosure requirements of the Proposed Final Judgement. It would be difficult to oppose Microsoft in court for discriminating against its troublesome open source competitors when the discrimination is based on the language of a court-sanctioned Final Judgement.

PFJ ''Enforcement Mechanisms'' Would Hinder Effective Enforcement The following portions of the Proposed Final Judgement would hinder effective enforcement of the agreement: ù Section IV.B provides for the appointment of a Technical Committee to ''assist in enforcement and compliance'' with the PFJ. The constitution and role of the ''TC'' is described in detail. The Technical Committee would oversee Microsoft's compliance with the agreement in an ongoing way, and would respond to complaints from the plaintiffs or third parties. However, the Technical Committee has no power other than to assist in Voluntary Dispute Resolution, and, according to Section IV.D.4.d, ''No work product, findings, or recommendation 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 Judgement.'' ù Section IV.A. I requires that ''the plaintiff States shall form a committee to coordinate their enforcement of this Final Judgement. A plaintiff State shall take no action to enforce this Final Judgement without first consulting with the United States and the plaintiff States'' enforcement committee.'' ù Section VIII explicitly excludes third parties from taking any role in the enforcement of the Proposed Final Judgement.

Let us be perfectly clear: At the end of the day, the Proposed Final Judgement provides the United States and each of the plaintiff States with a right to sue to enforce its terms. But let's also be honest: the choice by a State of whether or when to enter into complex antitrust litigation against a well-known and well-heeled opponent is politically fraught under the best of circumstances. Under the terms of the PFJ, an unsatisfied plaintiff would be faced with two bad options: 1) the plaintiff can expend resources on a dispute resolution mechanism (the ''TC'') that the PFJ endorses, but that has no power, cannot be used at all as a basis for further proceedings, and will have no effect unless an amicable resolution is reached; or 2) eschew the dispute resolution mechanism endorsed by the settlement, thereby facing accusations of burdening Court resources unnecessarily, as well as a politically treacherous ''consulting'' process that would predictably lead to accusations of judicial over zealousness by reluctant former co-plaintiffs. A reasonable non-judicial enforcement mechanism would serve as a basis for judicial enforcement if required. Instead, the PFJ creates a ''middle path to nowhere'', that increases the political difficulty of undertaking any binding action against the company.

Under the PFJ, the real-world probability that misbehavior on Microsoft's part would bring legal consequences would be less than without the proposed enforcement mechanisms. Thus, the Proposed Final Judgement does positive harm to the public. Complex, Vague, and Contradictory Language Hides New Anticompetitive Tools For Microsoft The ostensible purpose of Section II1.1 of the Proposed Final Judgement is to require that Microsoft license under ''reasonable and non-discriminatory terms'' intellectual property that software vendors and other parties might require in order to offer middleware products interoperable with Windows. If the wording were less vague (and if ''reasonable and non-discriminatory'' were changed to ''royalty free'' to include open source developers), this would be a serious and legitimate remedy: Having unlawfully restricted the development of competing middleware, it is fair that Microsoft be compelled to license, under generous terms, whatever intellectual property nascent competitors would find necessary to interoperate with Windows.

However, the wording of this section is astonishingly vague. Microsoft may be compelled to license its IP to ''ISVs, IHVs, IAPs, ICPs, and OEMs'' only as required to ''exercise options and alternatives expressly provided to them under this Final Judgement''. Exactly what ''options and alternatives'' are provided to these parties by the Proposed Final Judgement is not a matter of scientific clarity, even to the avid reader of the document. What is crystal clear, however, is that those to whom the PFJ purports to offer this relief— the alphabet soup of third parties—have absolutely no standing to enforce (and therefore to enlist a Court's aid in interpreting and clarifying) this or any other section of the Proposed Final Judgement (Section VIII of the PFJ, see above).

Further, in an astonishing twist, Section 111.1.5 exacts the remedy of compulsory licensing not only of the convicted monopolist, but of innocent competitors seeking relief. Section 111.1.5 insists that a software vendor who wishes to provide a middleware product for a Microsoft operating system, if they require access to Microsoft IP to interoperate, must license to Microsoft its own intellectual property. The following language is no doubt intended to soothe competitors: ''[T]he scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives'' (Sec 111.1.5). However, nowhere in the PFJ have I been able to discern any ''options and alternatives'' that Microsoft must provide to any third parties that would require a license on its part. Microsoft must merely permit practices that it has heretofore managed to prevent, in part by refusing to license its own IP, and it must disclose some of what it has heretofore kept secret. The requirements of Section 111.1.5 unnecessarily and specifically envision a situation where a competitor, attempting to interoperate with Windows in ways that arguably would require some license of IP from Microsoft, could be asked to license its own IP to Microsoft, or else to cease and desist. If Microsoft and the putative competitor were to disagree about what ''no broader than necessary'' means, a competitor could not enlist any court to resolve the dispute and compel licensing under the PFJ. Thus, the PFJ sets up a situation where Microsoft could ''leverage'' an interoperability requirement by a competitor or ISV in order to acquire access to the attractive IP of its competitors. In the absence of the PFJ, a court might look at a ''we'll show you ours only if you show us yours'' requirement as anticompetitive, given that Windows Operating Systems are a de jure monopoly with which many third parties must interoperate or die. However, the Proposed Final Judgement gives cover to the practice by explicitly foreseeing and sanctioning a cross-licensing requirement, diminishing the likelihood of a successful outcome and increasing the burden in litigation for companies that may find themselves in the crosshairs of Microsoft's IP lawyers. Again, the public is positively harmed by the PFJ, because it diminishes the likelihood of legal consequences should Microsoft engage in foreseeable anticompetitive behavior.

Conclusion

A District Court found, and a Federal Court of Appeals, affirmed, that Microsoft engaged over a period of years in multiple unlawful and sometimes deceptive practices in order to maintain its monopoly on PC-compatable operating systems. The fruits of this illegally maintained monopoly have been and continue to be huge for the company and its principals. The Proposed Final Judgement fails to provide any strong remedy for this conduct, and instead shelters the monopolist from potential consequences of past and future misconduct.

The Proposed Final Judgment, by providing court sanction to practices a court might well find to be anticompetitive absent the proposed settlement, leaves consumers, competitors, open source software developers, and other interested parties in a worse position than they would be in if Microsoft were simply left to face private litigation as a de jure monopolist without any specific remedy being imposed in the present case. The Proposed Final Judgement would therefore be harmful to the public interest, and, unless it is very substantially modified, it should be rejected.

Notes

[1] Section III.C.1 suffers from the same flaw. It permits OEMs to install ''icons, shortcuts, and menu entries'' for pre-installed, competing middleware, but ''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

would be freed again to create an ''ours or both'' situation, justified by language it could graft into contracts directly from the Proposed Final Judgement.

[2] For an informal measure of the perceived threat that open source software presents to Microsoft's monopoly, we might examine the lengths to which Microsoft has gone in disparaging such software recently. Microsoft CEO Steve Ballruer has called Linux ''a cancer'' [Chicago Sun-Times, June 1, 2001] that has ''the characteristics of communism.'' [The Register, August 2, 2000] Ballmet has explicitly described Linux as ''threat number 1.'' [upside.com, January 20, 2001] According to the public comments of Microsoft exec Jim Allchin, ''Open source is an intellectual property destroyer... I'm an American, I believe in the American Way. I worry if government encourages open source, and I don't think we've done enough education of policy makers to understand the threat.'' [CNet news.com, February 15, 2001] [URLs: http://www.suntimes.com/output /tech/cst-fin-micro-01.html; http:// www.theregister.co.uk /content/1/ 12266.html; http://www.upside.com/texis/ mvm/news/ story?id = 3a5e392ca3; http:// news.com.com/2100– 1001– 252681.html?legacy=cnet]

[signed Steven Waldman]

MTC–00025809

From: dinovo@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:57pm
Subject: Microsoft

Good grief, how much longer is this charade going to go on! Leave one the most productive, efficient and innovative company in the world alone. Microsoft should be given thanks and awards for single handedly standardizing the PC world and increasing this country—and the world's—productivity. Let the cry babies who couldn't compete and would have balkanized the PC world, to the detriment of all, get on with business today.

Gene Dinovo

MTC–00025810

From: Rob Short
To: Microsoft ATR
Date: 1/26/02 6:21am
Subject: Microsoft Settlement

As a person in the technology field, I believe a remedy should be obtained for Microsoft's illegal practices with all due haste. These illegal practices were well established in the last court case involving Judge Jackson and we have only to find an appropriate remedy. Microsoft's behavior has consistently smothered innovation in many areas by establishing themselves as the de facto standard through the leveraging of their Windows OS rather than product quality. Further, they have leveraged their position by not allowing 3rd party software to run properly on the Windows OS and thorugh intimidation tactics towards rival companies.

America depends upon the free market and innovation to be competitive. Please act quickly and decisively in this matter. The remedy may determine how well America leads technology in the decades to come.

Sincerely,
Robert Short

MTC–00025811

From: Nan F Posnick
To: Microsoft ATR
Date: 1/26/02 6:28am
Subject: Microsoft settlement

Please accept the settlement as is:
docpos@juno.com

MTC–00025812

From: Lane Schwartz
To: Microsoft ATR
Date: 1/26/02 6:40am
Subject: Microsoft Settlement

My name is Lane Schwartz. I am a United States citizen, resident of 207 W. Iowa St, Greenfield, Iowa; I am currently pursuing a Master's degree in Computer Speech, Text, and Internet Technology at the University of Cambridge in Cambridge, England. I have a B.A. in Computer Science from Luther College, Decorah, Iowa. This email is directed to the U.S. Department of Justice as my public commentary on the United States vs. Microsoft, as per the Tunney Act.
****

I believe the Proposed Final Judgement (PFJ) in United States vs. Microsoft to be fundamentally and fatally flawed. The Judgement, as it stands, will not prevent Microsoft from enjoying the fruits of their illegal and anti-competitive policies. Nor will it stiffle future anti-competitive behavior from Microsoft. **********

I have followed the above case with keen interest for the past several years. I am a programmer and computer researcher, and as such the anti-competitive actions that Microsoft has engaged in have affected me personally even more than the average computer user. I have had to deal with the effects of Microsoft creating their own proprietary version of Java. I have been unable to fully reap the fruits of Sun's competitve, cross-platform technology because of the many web designers who (knowingly or not) wrote applets for distribution via the web that will only run on Microsoft Windows.

I wish to state that the PFJ as it stands is unacceptable. I have read many of the relevant documents in this case, and I believe that the current PFJ will be a mere slap on the wrist of a convicted monopolist. I agree with the issues put forth by Dan Kegel of Codeweavers.com (http:// crossover.codeweavers.com/mirror/ www.kegel.com/remedy/remedy2.html).

I also wish to put my support behind the alternate judgements proposed by the several states in this case.

Please do not sell out to Microsoft in this case. They have committed a serious crime. Do not let them get away with a light remedy. Do not ignore the thousands of developers who wish desparately to create competitive products, but are prevented by the fear of unknown and undisclosed Microsoft software patents. Do not ignore the would-be competors.

Thank you for your time.
Sincerely,
Lane Schwartz
email: los20@cam.ac.uk
permanent address:
207 W. Iowa St.
Greenfield, IA 50849

MTC–00025813

From: Robin Hall
To: Microsoft ATR
Date: 1/26/02 6:41am
Subject: Microsoft Settlement

I can't believe that more hasn't been done to resolve this issue. You let this company get away with stealing from the American people. People who shoplift a candybar get more of a handslap than Microsoft has recieved. They have made it virtually impossible to for any good company to compete by not allowing companies that sell computers sell anything but windows on their machines and on top of that if you purchase a machine from a company like this you need to take what it has you don't even have the option of getting it without an OS. Please review what a catastophic lack of justice this is.

Robin E. Hall

MTC–00025814

From: amaish@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:41am
Subject: Microsoft Settlement

Please allow Microsoft to continue their business and allow them to bring us new technology. If they developed the operating system, software, and Windows, they should be allowed to market it and make a profit. I believe the other companies could not do the same so they sued in order to bring Microsoft down. I use Windows and all the software and I am very happy with it and would not buy anything else.

amaish@juno.com

MTC–00025815

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR, antitrust@ftc.gov@ inetgw.Ralph@essen...
Date: 1/26/02 6:49am
Subject: Microsoft Jihad: Congrats New Profit Dubya CC: letters@latimes.com@ inetgw,letters@sjmercury.com@i...

MTC–00025815–0002

''The Microsoft PR machine told me it's time stop joking for minute and do something to token earn my $ billions of annual net profit. My belief is that Clinton administration were infidels and I'm happy to declare NEW profit Dubya to take up preaching where old profit Ronnie Reagan left off, peace be with him. And mother Barbara get free Windows upgrade for well handled silver spoon, and Kenny Boy too for teaching me the DC shuffle, ha ha ha... Dallah be thanked.''

MTC–00025816

From: Darrell Simon
To: Microsoft ATR
Date: 1/26/02 6:56am
Subject: Microsoft Settlement

I am a U.S. citizen and resident of Texas. The proposed settlement with microsoft fails on the following points:

1) Restoration of a competitive operating systems environment. The remedy seems to perpetuate Microsoft's monopoly power, not nullify it. This settlement isn't going to breathe new life into the desktop OS market.

2) Protection of the consumer. A monopoly can be legitimately maintained in a free

market by a combination of the lowest price and the best features. I can buy a ''professional'' distribution of Linux for $75 that includes 6 cds of software—development tools, databases, an office suite, two different desktop environments. For Windows XP Home edition, I have to pay $99 [to upgrade—$150 to purchase new] and I get an applications environment, a web browser and some media tools (on 1 cd).

If I want to run Windows XP Pro, I have to pay between $200-$300 depending on whether I am upgrading or purchasing it new. XP Pro adds some server-capability software. If I want office applications, I have to pay $200-$500 for Office XP (depending upon which applications I need to use) For development tools, I would pay $250 for a C++ compiler, $1000 for the entire ''Visual Studio'' line from microsoft.

Let's re-iterate: Linux Professional Environment—$75, Microsoft Professional Environment—$1800, Oh, and with Linux, I can run it on as many machines as I own. With windows, I need to pay again for each machine I have in my house. This is not free-market pricing; this is monopoly pricing. The final settlement doesn't redress the monopoly situation, the final settlement preserves the monopoly.

If the final settlement is going to preserve the monopoly, can't it at least soften the blow to my pocketbook somehow?

Here are some alternate remedies: 1. Set a price ceiling for Microsoft Software: Tie the price for Microsoft Software to 2 times the price for Linux. Make sure that their software distribution contains what Linux does. I'd gladly pay $150 to get all the Microsoft Suite of software (i.e. Windows XP, Office XP, Visual Studio). So would a lot of people. At that rate, Microsoft might get people to upgrade more often, rather than waiting as long as possible to avoid paying their monopolistic gouge price. It's not a free market solution, but, hey, they're the ones who abused the market system and contracts to preserve their monopoly position.

2. Free upgrade for all (U.S) users. Windows XP only sold 17 million copies in its first quarter (source:Microsoft 2Q FY2002 earnings release). What's wrong with the other 200 million of us that haven't upgraded yet? We get an upgrade, they get to stop supporting Windows 95, 98, NT, 2000 and ME. No, this doesn't really redress the problems of their competitors, but at least everybody gets a good software upgrade, right? What will this cost them? I can buy a writable CD for $.09. I'm sure they get theirs for cheaper. For 200 million copies, their material outlay is only $20 million. The Microsoft Second quarter FY2002 earnings release indicates that they spent $660 million dollars in the quarter on lawyers. This is like a drop in the bucket for them. Spare me the boxed packaging— just give me the CD.

3. Different Licensing Model One person, one license for microsoft software, one fee for all of it. I have two computers at home (two different Windows vintages). At work I have two different work areas, each with a different desktop machine (One Windows NT, one Windows 2000). I sometimes use a laptop (Win 98). I work with people who use PDAs (Windows CE). In a given day, I might have contact with 4–6 different copies of Microsoft windows software, not to mention other applications. Between me and my company, we pay Microsoft 4–6 times for one person. We should set up a different licensing model so that between me and my company, we aren't paying for microsoft on 6 different copies of the same software because we are running multiple machines that I happen to touch every day.

This solution doesn't break the monopoly, either. But it might protect the Microsoft customers against multiple license payments for the same user to use the same tools on different machines. This probably still lets Bill & Co make fists full of dollars.

Ok. So, I don't know if any of my suggestions are the holy grail, and of course lawyers would have to pound on all of these to make them work. But... The current settlement doesn't do a damn thing for the consumer/end user, doesn't end Microsoft's monopoly power, doesn't dilute that power much and probably won't solve anything.

Thanks for listening

-Darrell Simon

I know this is a simplistic suggestion, but, look, anyone who can afford to spend $660 million in a single quarter on lawsuits is going to find some type of loophole in any ''fair'' settlement (or rather, build in a loophole and get you to sign).

MTC–00025817

From: raidergr8
To: Microsoft ATR
Date: 1/26/02 6:52am
Subject: Microsoft Settlement.

Netscape is not stuggling because Internet Explorer is bundled with the Windows OS. Netscape is struggling because they suck. You don't sue your neighbor because he hired a better architect than you and built a better house. The government needs to start levying some heavy fines on these companies that want to sue other companies for ''building a better mouse trap''. AOL has 32 million subscribers and they have merged with Time Warner Cable, they are closer to being a Monopoly than Microsoft ever thought of being.

Ray Hedger

MTC–00025818

From: Keith Velleux
To: Microsoft ATR
Date: 1/26/02 7:01am
Subject: Microsoft Settlement

Public Comment on Proposed Final Judgment for United States v. Microsoft Corp., Civil No. 98–1232

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II. Perceived Problems in the Proposed Final Judgment

A. Does not ?restore competitive threat? in the OS market

The Competitive Impact Statement claims to restore the competitive threat that middleware products posed to Microsoft. Nowhere does it try to restore the competitive threat of an OS competitor.

B. No specification of fair & reasonable punishment The Proposed Final Judgment does not call for any fines, imprisonment, or recovery of court costs. At the minimum, court costs should be recovered.

C. Highly dependant on definition Microsoft has demonstrated an ability to position itself so to take advantage of loopholes in terminology of contracts.

D. Susceptible to subversion by Microsoft ?innovation? The evolution of the consent decree case (1995?) into the contempt case (1998) and finally into the Appeals Court ruling on Tying demonstrates that Microsoft can use ?innovation? to ?re-shuffle the deck? on previously defined arraignments.

E. MSDN for documentation distribution Is MSDN a zero cost source available to the public at large? Linux developers would express a need to maintain cost free access.

III. Possible Additions to the Proposed Final Judgment

A. System for Windows Application Interoperability in Non-Windows OSes This addition is similar to the WINE project for Linux. The court should order Microsoft to develop for commercial use a system that would: Allow ISVs to compile unmodified source code of a Windows API program for a different OS using native OS APIs while maintaining the look & feel of that OS. Allow end users to execute (run) ?shrink-wrapped? Windows API programs on a different OS while maintaining, if possible, the look & feel of that OS. Include all API sub-sets [Direct-X, MFC (Microsoft Foundation Classes), etc.] necessary to compile or execute commercially available products. Allow an ISV to use standard Microsoft development tools or the development tools of the native OS. [Microsoft would need to create both.]

Be supported and maintained by Microsoft for compatibility with new versions of Windows for a 5 year period. [An escape clause based on market share is needed.] The OSes to be supported by this system would be Mac OS (an injured party referenced in the case), Linux (an OS for Intel PCs), Solaris X86 (another OS for Intel PCs), and the top

2 other OSes determined yearly. The source code for this system and the system itself is the property of the OS owner, Apple Computer for Mac OS, Linus Torvalds for Linux, Sun Microsystems for Solaris, etc. In addition, the OS owners determine the minimum performance level the system must demonstrate. The cost to develop and maintain this system would count against any fines the court may order.

The justification of this addition is clearly to lessen the ?Applications Barrier to Entry? in the OS market and hopefully prevent abuse of Microsoft's monopoly.

B. Quality Standard for APIs bundled with Windows OS This addition would order Microsoft to release documentation for all APIs (exceptions below) that are used by Windows or any Microsoft Middleware or Applications bundled with Windows, four weeks before product availability (includes changed and new APIs). This would be the basis of a Quality Standard that competitors could use to make substitute products. The Quality Standard must be available to the public at no cost. The API exception is the same security exception as noted in Proposed Final Judgment, but excepted APIs must not prevent a competitor from making a substitute product. The justification of this addition is clearly to lessen the ?Barrier to Entry? in the OS & Middleware markets and hopefully prevent abuse of Microsoft's monopoly.

C. Fair & reasonable punishment (fines, etc.) The Sherman Act calls for fines, imprisonment, or both. Also, the Clayton Act allows the government to recover the cost of suit. As added justification, the court should consider Microsoft's failure to supply ?Pro?Competitive Justification? for its actions and Microsoft's previous convictions.

IV. General Comments

A. Court of Appeals Decision & Quality Standards for Substitutes of Tied Goods The modern definition of Quality is compliance with requirements. On page 79 of the PDF file of the Court of Appeals decision, the court states as part of its decision on Tying, ?It is unclear how the benefits from IE APIs could be achieved by quality standards for different browser manufacturers.? The free software community is full of substitutes for other commercial products. Here is an example to add some clarity: There exists a commercial graphics manager (manages the windows on a UNIX X?Window server) called ?Motif? and a free equivalent (minor differences and some bugs) called ?Lesstif?. An application compiled with Motif can be executed on a system with only Lesstif installed, a clear example of a substitute. In addition, an API is a Quality Standard (at least a partial one). American National Standards Institute has many standards that specify APIs and computer programming languages. Example: ANSI/ISO/IEC 9899–1999 specifies the C Programming Language that includes functions (APIs).

B. Plaintiff's desire for timely resolution possibly interfering with desire for justice Plaintiff's desire for timely resolution has prevented possible determination of further defendant liability, the ?tying? portion of the case being dropped, etc. This added to the difficulty of securing a more server remedy because of less liability.

MTC–00025819

From: Ned Fleming
To: Microsoft ATR
Date: 1/26/02 7:00am
Subject: Microsoft Settlement

I very much believe the settlement allows Microsoft to run roughshod over smaller OEMs—and thus perpetuating their monopoly. I'm also concerned that Microsoft will continues its practice of maintaining a secret list of APIs, which only they know about.

Ned Fleming
1715 SW Crest Dr
Topeka KS 66604
Phone—785–273–8435

MTC–00025820

From: PAUL CAP
To: Microsoft ATR
Date: 1/26/02 7:15am
Subject: Microsoft Settlement,

It is our belief, that a fair and just settlement has been reached and further pursuit of this matter is not needed and will not be in the best interest of our Great Country and it's people!

Sincerely,
Paul & Carolyn Cap
612 Pinehurst Ave.
Placentia CA 92870

MTC–00025822

From: joshvern@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:18am
Subject: microsoft settlement

It is past time to end he costly Microsoft litigation and let the negotiated settlement stand. The public will not be served by continuing these lawsuits. Only a few greedy companies and lawyers stand to benefit from dragging this on.

Thank you.

MTC–00025823

From: PackGrot1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:04am
Subject: Microsoft Settlement

Dept. of Justice:

As a citizen and stockholder of both Micrsoft and AOL, I am greatly concerned that the lawsuit recently filed by AOL will hinder the settlement of the Micrsoft case. It is time for the government to put this case to rest! It should never have been started to begin with. What a waste of taxpayers money!!!!

In addition, the timing of the purchase of Netscape by AOL would indicate to me that AOL is simply jumping on the litigation bandwagon, rather than putting their time and resource into duking it out in the competitive arena....where they should be.

It is time to get this mess settled and move forward.

Thank you for your consideration!
Beryl J. Packer, Ph.D.
9421 NW 74th Place
Grimes IA 50111

MTC–00025824

From: Matthew Taylor
To: Microsoft ATR
Date: 1/26/02 7:03am
Subject: Microsoft Settlement

I will keep this very brief because I'm sure you have more than enough correspondence detailing what I am going to say and I don't think I could put it any better than the rest of them. So the bottom line is that I (as well as the rest of my immediate family, 3 registered voters all together) feel that the Microsoft Corp. should suffer harsher penalties than the ones proposed by the Justice Department. That is all I wanted to convey. Thank you.

Matthew Taylor

MTC–00025825

From: Igor Alexeff
To: Microsoft ATR
Date: 1/26/02 7:12am
Subject: Microsoft Settlement

My personal opinion is that Microsoft has been attacked because it is too successful. The whole concept of punishing a company because it does its job well is repugnant to me.

Igor Alexeff

MTC–00025826

From: Ed Hammond
To: Microsoft ATR
Date: 1/26/02 7:19am
Subject: Microsoft Settlement

As a member of the public, I would just like to add my opinion that Microsoft is a horrible monopoly that seeks to control all areas of our computing lives, and that strong measures are required to break it up and allow for more competition.

Thanks,
-Ed Hammond

MTC–00025827

From: isa kocher
To: Microsoft ATR
Date: 1/26/02 7:26am
Subject: Microsoft Settlement

Dear microsoft.atr@usdoj.gov:

The settlement proposed by the Department of Justice leaves Microsoft ready willing and able to continue without abatement its predatory practices which have seriously undermined any of our most creative entrepenuers'' ability to bring new and creative products to the market.

Considering the degree to which Microsoft dominates the retail software market, this has had a depressing and inhibiting effect on the productivity of our most creative businesses whther of not they engage in computer related business. Business and personal software is crucial to our nations economy and Microsoft has deliberately and illegally interfered with the normal economic growth of our nation. Justice must bring the settlementback in line with the seriousness of the offense and the predatory instincts of the offender.

sincerely
Mr. Isa Kocher
9513 Buck haven Trail
Tallahassee FL 32312

MTC–00025828

From: WillieTrez@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:44am
Subject: Microsoft Settlement

We've been fortunate to have a mind such as Bill Gates in our country. Please drop this suit. Competition keeps us on our toes. MIcrosoft is known for innovation.

Enable them to keep going!

MTC–00025829

From: ANDY TURNER
To: Microsoft ATR
Date: 1/26/02 7:21am
Subject: Microsoft Settelment

1/26/02

This situation withe Microsoft should have never occured !! (Thank you Janet Reno / Bill Clinton) It remindes me of the Tobbaco Co.'s who are legal tax paying companies with large pockets that the Federal Government and many State Governments looked at as CASH COW'S to help fill their cash straped coffers. ''If there was a real problem with them, then they should be outlawed...but no, they want the TAXES.'' In Microsoft's case, it's competitors who couldn't keep up or wanted to sell items to the COMPUTING PUBLIC, couldn't because Microsoft was giveing / including them in it's packages.

Do the Federal or State Governments want to kill Microsoft ? No. They just want to legaly pick it's pockets to cover their shortages in their treasuries from poor management!

What's next??....MacDonalds and Fast Foods for fat content, Beer & Soft drink companies. Does the Government think that everyone is stupid and incapable of being responsible for their own actions?

Adults are not children, but they are greedy and some will do or say anything if they think they can get money from a large company, i.e. hot coffee at McDondalds.

Let's get our hand out of Microsofts pockets !!!!!

Sincerely,
Andrew A. Turner

MTC–00025830

From: stanjan@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:46am
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,
Stanley Janasiewicz, MD
Rt 2 Box 238A
Wellborn, FL 32094

MTC–00025831

From: HorridoDon@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:40am
Subject: microsoft settlement
Attorney General John Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Ave. NW
Washington, D. C. 20530

I would like to see the Dept. of Justice settle it's long standing antitrust laswsuit against Microsoft. This has been going on far too long and it seems the only thing the government and states, that have not committed to settle, seem to be holding out for is blood.

The settlement agreed upon in November is fair and the changes Microsoft is willing to agree to will ensure a more competitive marketplace. I do not know what more the government can ask for.

I am a Microsoft shareholder and Microsoft's financial success affects my financial success. Therefore, with a reasonable settlement drafted, I urge you to finalize it without additional delay. I've already lost plenty in the enron scandal.

Sincerely,
Collette Dobmeier

MTC–00025832

From: RSKMGTPVC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:45am
Subject: Microsoft Settlement

Sir:

I want to register my public comment regarding the proposed antitrust settlement. In my opinion it is time to settle this in any manner available. Although I think it is excessive, if Microsoft agrees to the terms please accept them.

I believe that the finding of Judge Jackson was one of the reasons for the current escalation of the recession. Besides- where would we be without Microsoft? Not nearly as advanced technology-wise as we are.

When I go to purchase software, I do not see a deficiency of other than Microsoft publishers.

Enough is enough. Too much valuable time and money have been wasted on the whole situation.

Thank you for taking the time to review these comments

Albert C Ellet
36 Pond View Drive
Richboro, PA 18954

MTC–00025833

From: grama—dee@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:36am
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,
Lelia P Crandall
540 S Ranch View Circle 62
Anaheim Hills, CA 92807–4328

MTC–00025834

From: andy
To: Microsoft ATR
Date: 1/26/02 7:59am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Andy Bezella
4305 N DAMEN AVE APT 3W
CHICAGO, IL 60618–1732

MTC–00025835

From: rheining@rochester.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:58am
Subject: Microsoft Settlement

I don't think the proposed settlement with Microsoft is fair, it is far to lenient.

MTC–00025836

From: Kayle Clements
To: Microsoft ATR
Date: 1/26/02 7:35am
Subject: Re: U.S. v. Microsoft: Settlement Information

I am writing to disagree with the proposed settlement with Microsoft. I believe this company has gone out of its way to monopolize the marketplace and keep other computer based businesses from competing on a fair level. And the settlement does not impose enough restrictions and punishment for their past actions.

The effects of this monopoly may not be seen for some time to come, but it is clear to me that Microsoft has done an extremely poor job of self policing in the past. I believe the government should step up to the task and regulate Microsoft to be sure that these types of practices will no longer be tolerated.

I believe the best way to accomplish this is to break up Microsoft into no less than 2 separate entities. This is the only way, in my opinion, to be sure that the company can no longer practice the policies that gave Microsoft the monopoly in the first place. Please do the right thing.

Kayle Clements
3201 12 Mile Road
Rockford MI 49341

MTC–00025837

From: Mark Lavi
To: Microsoft ATR
Date: 1/26/02 7:55am
Subject: My comments on the DOJ-MSFT remedy

I have a long standing background as a consumer of personal computers and online services since the early 80's. Since the early 90's I have developed a career based on

Internet media and Internet technology development working for the first commercial national ISP, News Corporation, and Netscape Communications.

I feel my comments have a historical and technical perspective with an understanding of the issues and business ramifications to the technology markets which Microsoft asserts terrible influence over already. Firstly: the DOJ case never properly defined terms as any computer scientist would do so to separate the ''Operating System'' market from the ''Application Software'' market. Since an operating system's purpose is merely to provide access to the hardware of the computer, it is a low level layer which is required for software applications to work—but clearly separate, independent, and crucial to all software.

Because Windows, in all of it's varieties, is an operating system and it's market is for anyone with computer hardware—it's primary distribution is with computer manufacturers (OEM's like Dell, Compaq, HP, Gateway, Apple, etc.) It has been proven that Microsoft's aggressive business contracts have stamped out the competition many years ago, but today prevents any competition for operating systems.

Since Internet Explorere is a software application, it cannot be an operating system. If this were not the case, then Internet Explorer's primary competition, Netscape Navigator software, would logically also be called an operating system. This most certainly is not the case. Therefore Internet Explorer is not an operating system, Windows distributes Internet Explorer, and this is tying two markets together.

The woeful part is that by bundling Internet Explorer into Windows, and now many other software packages: NetMeeting (video conferencing software), Backup (media replication), Defragment and Compression (disk utility), Windows Media Player (video and audio media player), Outlook Express (email software), and Internet Explorer (web browser) would name a few of the bundled software packages and industries threatened by Microsoft's self-serving distribution. Online Services and Fax and Modem software also are industries bundled into Windows.

Microsoft advances it's own technical agendas with these products: making them standards by sheer distribution alone. And Microsoft wields many of these standards in a proprietary manner, preventing competiton for these software packages.

Worse still: the Internet media (web sites) that these software packages promote also are Microsoft owned properties. Internet Explorere promotes the MicroSoft Network (msn), Outlook Express promotes HotMail (a web email system). The new Windows XP promotes photo processing services! How can an operating system imply software and web sites? Windows is not Hotmail, but many people will likely use Hotmail because they got it with Windows and they may not even know that there IS competition on the Internet because Microsoft doesn't provide a choice.

The remedy should be the break up of Microsoft into three business units: Operating System, Applications, and Internet/network services. Microsoft will negotiate with anyone to bundle all three of these business units when they should only promote one at a time. They promote all three when they have no business to do so, and they prevent competition by doing so. They bully companies and partners with threats that they will compete if they do not concede to whatever Microsoft wants (equity, technology licensing, distribution, etc). This behavior happens today, still. Every business contract and deal should be broken apart into three separate business units to prevent tying these separate areas.

Microsoft tries to blend the three technologies (operating system, software application, Internet service) together in every product offering now. Windows XP is the premier demonstration of this. Furthermore, it has left out a key Internet technology by Sun Microsystems called Java—which threatens the Windows operating system. Java is a key feature of Internet Explorer: it allowed it to compete with Netscape Navigator over the past years. Now that Netscape Navigator doesn't control much of the market, Microsoft will not carry Java because they promote their own proprietary technologies and prevent competition for Internet software development.

The technology delivery of this blend of three separate markets (OS, software, Internet) is now one business proposition to the entire market, no choices allowed or even acknowledged by Microsoft. This monopoly is killing the diversity of the economy and technology sector. Lastly: Microsoft must not donate software or old computer hardware as part of the remedy because this is also self-serving to the benefit of Microsoft. The remedy should provide damages and money to the states so that they may CHOOSE the best use of the settlement (perhaps non-Microsoft solutions!)

By allowing Microsoft to provide it's own software (which costs Microsoft almost nothing to produce and distribute) as value for the settlement, the government is distributing Microsoft's monopoly further without choice. By allowing Microsoft to provide old hardware computers, it distributes obsolete hardware and represents a very poor value when compared to the monetary investment that should be made in today's current hardware which represents the most performance and value in the history of the computer industry.

I am sorry I have not organized my thoughts better, but I do not approve of the horrible outcome that is being granted to Microsoft's benefit and the detriment of the computer industry. It will darken the entire future of our world and I must speak out.

Feel free to contact me for clarification or help, —

—Mark

Public key attachment for secure e-mail enclosed.

/\/ My opinions are my own, but you may share them.

// mailto:mark@atarex.com http://www.atarex.com

MTC–00025838

From: rod lyman
To: Microsoft ATR
Date: 1/26/02 7:59am
Subject: Microsoft Settlement

Consumer interests have been well served by the settlement and the time to end this costly and damaging litigation has come. I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

MTC–00025839

From: Jim Vickers
To: Microsoft ATR
Date: 1/26/02 8:12am
Subject: SIR I belive that the government should look at all the good that microsoft has done for the world,

SIR I belive that the government should look at all the good that microsoft has done for the world,

THEREFOR THE MICROSOFT SETTLEMENT SHOULD COME TO A END AND BE DROP .AND PUT A STOP WASTING THE TAX PAYER MONEY.

THANK YOU MR. JAMES C. VICKERS

MTC–00025840

From: Carlos Guevara
To: Microsoft ATR
Date: 1/26/02 8:14am
Subject: Microsoft Settlement

To whom it might concern:

Through this note I would like to express my concern that many special interests are trying their best to derail this settlement, in detriment of the economy, the private enterprise and innovation in general.

It is my humble opinion that these same parties are involved in a double standard, pushing for a company to be punished for the same things that they do on a daily basis.

For example, NETSCAPE started the process of bundling things that had nothing to do with each other when they started bundling a WEB BROWSER, with an e-mail client (ever wondered what ever happened to clients like pegasus and eudora??) with their 90% market share browser. Or including a WEB PAGE EDITOR with the browser.

SUN on the other hand has been bundling stuff with their operating system for years. Now, don't misunderstand me, I think bundling things for free is a great practice. In the mid 90s, when SUN started bundling a WEB SERVER with their operating system, and a web browser called HOT JAVA (yes, very much like what they complain that MSFT did), it was a way for small development companies, like the one I work at to get access to this resources without having to shell out a large amount of money, which small companies cannot afford in the early stages of their life.

If it wasn't for bundling software, the way MSFT DOES, the cost of using many of the ''commodity'' software that we take for granted now would be much more expensive, and that would not be good for the consumer or for the large industry that is software development. In fact, there are LAWSUITS against MSFT about how much they charged for operating systems, when people like NOVELL, SUN and IBM have charged for

years thousands of dollars for their different operating systems (that by the way could be available for free like BSD ad LINUX have demonstrated). But it is NOT ok to charge 299 dollars for an operating system from MSFT, that also includes a web browser (Netscape wanted to charge $49 for the most basic browser), and a web server (Nestacape wanted to charge 1000 for their most basic server), mail client, media player (Real Networks charges $19 for their most basic client).

As a software developer I CAN ASSURE YOU, that even though MSFT started bundlling their browser since version 2 (IE 2.0) on Windows 95, it wasn't until version 4.01 that I started to consider it as an alternative to Netscape. Even though I had to pay 49, 69 and up to 79 dollars for the NETSCAPE browser, I (and most other people, since it wasn't until version 4 that the market share for IE started to close the gap with Netscape) because it was better. I didn't stop using Netscape because it cost money, I stopped using it when it didn't become the best web platform.

I know for a fact that the software company that I work for, as many more in the industry, would not have survived if we had to do business in an environment where we had to let people like SUN, ORACLE and NETSCAPE to dictate the way of doing things. As a developer, I have seen an industry of products that work around the MSFT platform thrive. Just look at the number of companies that work with MSFTs platform and compare it to the number of companies that work with ORACLE and SUN. You will see that in that last environment, only BIG players can get in the door. In fact look at some of the products that MSFT has bundled in their operating system for years, and because those products are not as good as the competition, there is still a huge market for those tools, like Anti-virus protection, disk defragmenters and the such. MSFT has bundled a disk defragmenter with every version of Windows since Win 95, but still companies like symantec, DiskKeeper and others have products that are far better and are still in business. So to conclude, let those companies that want to fight MICROSOFT do it on the business field, like Symantec and DiskKeeper, RealNetworks and many others are doing, and not on the JUDICIAL field where NO ONE WILL COME OUT THE WINNER.

MTC–00025841

From: mikulski@gte.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:14am
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 Mikulski
3223 Chancellor Drive
Fort Wayne, IN 46815

MTC–00025843

From: DON K WILLAIMS
To: Microsoft ATR
Date: 1/26/02 8:18am
Subject: Microsoft Settlement

Dear Sir:

I have watched the long drawn out action and believe that settlement should be completed at this point as defined by the court. I feel that the dammage done to all parties should be finalized and everyone move on.

A tremendous amount of time and money has been expended, however I don't see that anyone is better off especially the consummer.

Closure should be now.

Sincerely,
Don K Williams

MTC–00025844

From: gkern
To: microsoft
Date: 1/26/02 8:17am
Subject: microsoft settlement

Microsofts only crime since the beginning of this whole so called LEGAL and I use the term loosely, circus, has been to create a great company that is good for america and everyone who uses thier products.

Not only are other companies wanting what microsoft has created, but so does our gov. microsoft has done no wrong to me or anyone else that i know or have talked to. MY GOV. can only find microsoft not guilty of wrong doings and let the world of FREE trade go on like it should. MY VOTE IS FOR MICROSOFT AND A GREAT AMERICAN—BILL GATES

THANK YOU
gkern@bullitt.net

MTC–00025845

From: William Shotts
To: Microsoft ATR
Date: 1/26/02 8:22am
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 in the computer software industry for over 20 years and I have deep concerns regarding the effectiveness of the proposed settlement. In my view and in the view of many others, the proposed settlement does little to address the issues raised in the findings of facts in this case. I urge you to seek stronger sanctions against Microsoft (up to and including structural remedies) to insure the future this industry and America's technological leadership.

Thank you.

William E. Shotts, Jr.
500 Twinbrook Parkway
Rockville, Maryland 20851 —
William Shotts, Jr. (bshotts AT panix DOT com)

MTC–00025846

From: norxval@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:20am
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,
Vallie Cosper
3905 Valrico Grove Dr.
FL 33594

MTC–00025847

From: jean proudfit
To: Microsoft ATR
Date: 1/26/02 8:32am
Subject: Microsoft Settlement

The states that wish harsher penalties for Microsoft should be told to get lost. Enough already.

Most of our industry has been driven overseas, should be try to drive the rest out. Where has Microsoft harmed the consumer? No where.

Jean Proudfit
Tampa, Fl.

MTC–00025848

From: Dave Garvie
To: Microsoft ATR
Date: 1/26/02 8:36am
Subject: Microsoft Settlement

Please settle the Microsoft suit, and let them get back to business.

Thank you,
Dave Garvie.

MTC–00025849

From: c
To: Microsoft ATR
Date: 1/26/02 8:38am
Subject: Microsoft Settlement

To whom it may concern:

As a software developer who has written for Windows and UNIX operating systems, I

would like to comment on the Proposed Final Judgement in the United States vs. Microsoft.

I understand that the intent of the agreement is to prevent microsoft from illegally stifling competition. The current settlement will not achieve that goal. Here is one of the many of the reasons:

Many of the definitios are too narrow to be of any effect. For example, the definitions of Microsoft Middleware Product and Windows Operating System Product are seriously flawed. They explicitly include products that Microsoft does not expect to be critical to their future and exclude important new products.

The whole tenor of the document is that of a firm outward appearance with a very soft and mushy core. If the document is approved as written, I have no doubt that Microsoft will be able to continue it's anti-competitive practices virtually undiminished. There are so many problems that approval is clearly not in the public interest.

Sincerely,
Chris Buoy

MTC–00025850

From: RSHORNER@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:38am
Subject: Microsoft settlement

I strongly support the DOJ Microsoft settlement.

Robert M. Horner
2804 Sailors Way
Naples, FL

MTC–00025851

From: Terry Jendersee
To: Microsoft ATR
Date: 1/26/02 8:45am
Subject: Microsoft Settlement
6148 E Campo Bello Drive
Scottsdale, AZ 85254
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between Microsoft and the U. S. Department of Justice. The lawsuits have been going on for too long now and there could be no benefit for the public for them to continue.

I think the terms of the settlement are fair and reasonable. They will also serve to alleviate competitors'' complaints as Microsoft has agreed to grant computer makers broad new rights to configure Windows'' so that non-Microsoft products can be more easily promoted. They have also agreed to disclose for use by competitors interfaces that are internal to Windows operating system products.

I hope your office see what I believe and that is that our economy can afford no further litigation. Please implement the settlement. Thank you.

Sincerely,
Terry Jendersee

MTC–00025853

From: Daniel W. Solcher
To: Microsoft ATR
Date: 1/26/02 8:46am
Subject: Microsoft Lawsuit

To Whom It May Concern:

I want to express my opinion about Microsoft antitrust settlement. I really want to get this lawsuit to over with, so my business can start focusing on Microsoft products and its future developments. I understand that Microsoft has done some mistakes, but that is in the past. I work at Fortune 10 company, and I rely on ''future technologies'' to develop today's software for the company. It's the future of government that I am concerned about that affects Microsoft and my company's position on the computer software technologies.

I ask you to resolve it quickly, accept the settlement, and get it out of the Microsoft's way. That will save taxpayer's money, too. Also if the settlement is over with, then the sales at Microsoft will increase, therefore more tax money to the government.

Thanks,
Dan
Daniel W. Solcher
dan@solcher.net
11439 Baltic
San Antonio, Texas 78213
Vmail:210–308–9651
Fax: 210–308–9302 Web: www.solcher.net

MTC–00025854

From: Richard Carlson
To: Microsoft ATR
Date: 1/26/02 8:47am
Subject: Microsoft settlement

I oppose Florida not joining in the settlement with Microsoft. As a consumer I experience firsthand the ''expense'' of the breakup for purpose of creating ''competition thereby lower costs to consumer'' by the telephone company! That has not happened. I now pay $15-$20 more a month to a local phone company who charges me long-distance fees within my local area. I live in the Tampa area and to call friends, transact normal, everyday business, or call restaurants for reservations I pay long distance fees.

My geographic area is similar to the Washington D.C area where you live in Virginia but call friends and businesses in Maryland and Washington DC The breakup of the ''phone monopoly'' did me no favors.

Also while traveling it is impossible, from some phone companies, to reach your long-distance carrier and you end up paying $3.00-$6.00 per minute for a call. Every home computer owner struggles with keeping their system up—to-date with software and making ''compatibility'' even more dispersed and conflicted will certainly not be helpful and will cost more in the long run. I can only imagine what a breakup of Microsoft will do to the business community! Please encourage those involved in this decision to leave well enough alone.

Barbara Carlson,
Plant City,
Florida

MTC–00025855

From: Jem Lewis
To: Microsoft ATR
Date: 1/26/02 8:57am
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to voice my opinion that the proposed Microsoft settlement be rejected. I have been reading up on various details of the settlement, and I believe that as proposed the settlement can only hurt consumers like myself, which I understand would be counter to the purpose of the antitrust laws.

I do not believe that true competition can be attained so long as Microsoft is allowed to own standards, whether programming standards in the form of APIs, or in file formats such as .doc or .avi. If one looks at the history of Microsoft's ascendance, it seems to me a large part of their success has derived from their tendency to change API and file formats at will, forcing would-be competitors to play an endless game of catch up. Microsoft Word is the de facto word processor, not because of its technical merits, but because it is the only program that can reliably read and write .doc documents. Can it truly be good for consumers to be forced to buy the latest Microsoft product so they can simply communicate?

For there to be competition, Microsoft needs to freely publish changes to their file formats and APIs several months in advance of any Microsoft product actually using them, thus giving potential competitors the opportunity to compete on features that are important to consumers.

In my reading of the settlement proposal, I find it to be entirely inadequate. Microsoft is very good at squirming through the holes in the fine print, and I see some large holes indeed. Plus, there seem to be no measures to prevent Microsoft from realizing the gain from their illegal behavior, and I believe that was one of the directives of the Appeals Court's findings.

It is my hope that the proposed settlement will be rejected. Consumer choice is the engine that drives innovation, and the single choice of Microsoft or nothing is almost no choice at all.

Thank you for your attention,
Jem Lewis
800 5th Av #101–447
Seattle WA 98104
jemlewis@yahoo.com

MTC–00025856

From: Jim Murphy
To: Microsoft ATR
Date: 1/26/02 9:00am
Subject: Microsoft Settlement fails to Enforce Use of Public Standards
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I have serious concerns about the proposed settlement for the Microsoft case.

My prime concern is that has no effective provisions against Microsoft's practice of deliberately introducing incompatibilities in its products that prevent them from interoperating with non-Microsoft products that conform to public standards. These have the effect of driving out use of the non-MIcrosoft products. The settlement needs to have effective provisions that force Microsoft to comply with standards.

Truly yours.
Jim Murphy
Wall Township, New Jersey USA

MTC–00025857

From: Orlene McCarthy
To: Microsoft ATR
Date: 1/26/02 9:02am
Subject: Microsoft Settlement

You guys want to help the economy all you have to do is settle this and put a stop to all these law suits. It is so simple the economy was really good until the Clinton guys decided to go after Msft. just look at the facts it is simple spending millions to get the economy going is not the answer you need to settle this.

Msft is the best company and employs millions what is wrong with everyone. Please Please listen to people and do something.

Live,Love,Laugh

MTC–00025858

From: allen n budge
To: Microsoft ATR
Date: 1/26/02 9:04am
Subject: Microsoft settlement

The current agreed settlement is fair and further litigation is not required.

Allen Budge

MTC–00025859

From: Mark Christiansen
To: Microsoft ATR
Date: 1/26/02 9:06am
Subject: Microsoft should be punished

I hope you make Microsoft pay for it's abuse of it's monopoly. They are a monopoly and they are anti-competitive. This is obvious to everyone.

Don't let them get away with their over-pricing and abuse on American businesses and the American public.

Thank You,
Mark Christiansen
25 Wiggin St.
Concord, NH 03301

MTC–00025860

From: Donstites@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:09am
Subject: microsoft settlement

Please stop the nonsense about breaking up microsoft.....microsoft computer applications have been an incredible boom for business productivity...

MTC–00025861

From: Michael.Ronayne@
PearsonTC.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:08am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Re: Microsoft Settlement
From: Michael E. Ronayne
88 Satterthwaite Avenue
Nutley, New Jersey, 07110
Date: January 26, 2002

I wish to go on record as supporting Microsoft in the current Microsoft Settlement case. While I believe that the original antitrust case should never have been brought against Microsoft and the judicial decisions in the case were seriously flawed, in the interests of both the national defense and the economy of the United States, this case must be brought so a swift and just conclusion. If the national condition were other than it is, I would have urged Microsoft too pursue every avenue of legal redress, to fight the decisions in this case. However, if Microsoft and the Department of Justice have reached an agreement to settle this case, then the terms of the agreement should be implemented quickly, in the national interest.

One of the key arguments against Microsoft in this case involves the struggle between Microsoft and Netscape for market share in the Internet Web Browser market. In this struggle, Netscape is portrayed as the victim who was unjustly deprived of market share by Microsoft. I believe a careful examination of the historical record will show that Netscape's rights to the software they claimed to have developed are not supported by the facts. The reality is that both Netscape's and Microsoft's web browsers are totally based on a web browser development project funded by the National Science Foundation, a branch of the Government of the United States. By distributing Internet Explorer at no cost, Microsoft was enabling software which had been funded by the American people.

History Of Internet Explorer

Every copy of Microsoft Internet Explorer contains the following statement in the ''Help''/''About Internet Explorer'' pull-down window:

''Based on NCSA Mosaic. NCSA Mosaic(TM); was developed at the National Center for Supercomputing Applications at the University of Illinois at Urbana-Champaign. Distributed under a licensing agreement with Spyglass, Inc. Contains security software licensed from RSA Data Security Inc. Portions of this software are based in part on the work of the Independent JPEG Group. Multimedia software components, including Indeo(R); video, Indeo(R) audio, and Web Design Effects are provided by Intel Corp. Unix version contains software licensed from Mainsoft Corporation. Copyright (c) 1998–1999 Mainsoft Corporation. All rights reserved. Mainsoft is a trademark of Mainsoft Corporation. Warning: This computer program is protected by copyright law and international treaties. Unauthorized reproduction or distribution of this program, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.''

The above statement is in my opinion, is one the best defenses Microsoft can put forward to show that their business practices with regards the marketing of Internet Explorer was completely justified and in fact quite honorable.

The first successful web browser was Mosaic (1,2 & 3), which was developed at the National Center for Supercomputing Applications (NCSA), a unit of the University of Illinois at Urbana-Champaign. The Time Line for Mosaic (4, 5 & 6) is as follows:

Mosaic Timeline

Phase 1 (1987–1992/12): Work leading up to the idea to do Mosaic.

Phase 2 (1992/12–1993/11): Implementation and early adoption of mosaic and NCSA HTTPd by brave souls.

Phase 3 (1993/12–1994/5): Killer-app phase, when the world recognized that this was the next big thing in IT.

Phase 4 (1994/5–1997): Commercialization phase. NCSA continued to develop and improve Mosaic, but the big news was that Netscape was formed and Microsoft transformed itself to make the Web integral to its long-term strategy. It was during this phase that the world's economic and communications structures were changed forever.

In mid-1994 Marc Andreessen, a principle Mosaic developer and recent UIUC graduate, and Jim Clark, the Silicon Graphics founder, founded Mosaic Communications, which was later renamed Netscape Communications (5 & 6). On October 13, 1994 Marc Andreessen announced the availability (8 & 9) of the Mosaic Netscape Beta v0.9. The most interesting item in the announcement was the following:

''Mosaic Netscape is a built-from-scratch Internet navigator featuring performance optimized for 14.4 modems, native J PEG support, and more.''

In short, Marc Andreessen developed an entirely new browser in four months, an effort which had previously taken two years, while he was a student at UIUC. As UIUC still had a product named Mosaic, with an installed base of several of several million users world wide (7), Netscape had to drop the word Mosaic from their product and company names.

Other then the issue pertaining to of the use of the word Mosaic, there apparently was no other interaction between Netscape and UIUC. The two questions which beg to be asked are, what are the similarities between early versions of Mosaic and Netscape and was Netscape development initiated while Marc Andreessen was in the employ of UIUC?

With the launch the first commercial version of Netscape in December 1994, Microsoft licensed Mosaic (7) from Spyglass, Inc, a licensing company created by UIUC to facilitate to commercial distribution of Mosaic to over 100 companies (6). Evidently, Netscape was not a Spyglass licensee. In August of 1995, Microsoft launched Internet Explorer v1.0 and the rest is history. From the release of the first version of IE, Microsoft stated that is was its intention to bundle the browser as an integrated component its operating systems.

The reality is that both Netscape and Internet Explorer are directly derived from NCSA Mosaic, Netscape through a re-engineered version of the source code and Internet Explored directly from the original source code. While NCSA Mosaic is owned by UIUC, the critical question is who paid for the research and development costs of Mosaic? The answer is that Mosaic's development was funded by the National Science Foundation's (NSF) Supercomputer Centers program, a branch of the Government of the United States.

It was not Microsoft who harmed Netscape, but Netscape who harmed UIUC and Spyglass. It was Microsoft who rescued the

intellectual property rights entrusted to UIUC by the National Science Foundation. For the reasons which I have sighted, Netscape's allegations against Microsoft should be inadmissible. Without Netscape as a plaintive there is no case against Microsoft.

Citations

1. ''NCSA Mosaic Home Page'' http://archive.ncsa.uiuc.edu/SDG/Software/Mosaic/

2. ''NCSA Mosaic History'' http://archive.ncsa.uiuc.edu/General/CommGroup/MosaicHistory/timeline.html

3. ''NCSA Mosaic History'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/

4. ''NCSA Mosaic Timeline'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/timeline.html

5, ''Browser History Timelines'' http://www,blooberry.com/indexdot/history/browsers.htm

6. ''NSF Initiative Leads to NCSA Mosaic and E-Commerce'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/impact.html

7. ''Netscape: A history'' http://news.bbc.co.uk/hi/english/in—depth/business/2000/microsoft/newsid_635000/635689.stm

8. ''Here it is world!'' http://groups.google.com/ groups'selm=MARCA.94Oct13005712%40neon.mcom.com

9. ''Mosaic Netscape is out the door...'' http://www.w3.org/Style/History/www.eit.com/www.lists/www-talk.1994q4/0187.html

MTC–00025862

From: Or Botton
To: Microsoft ATR
Date: 1/26/02 9:12am
Subject: Not a good idea.

Ever since we switched to Microsoft products, our high school computers crash, freeze, require a reboot and etc'' more then ever.

This generaly cause tremendous trouble simply because we keep loosing our documents and works. Unless you save religiously every minute, that is.

Not to mention that all those security holes we keep having to patch are a major pain in the neck. Trojan here, E-Mail virus there... it reached the level where you dont even have the OPEN the letter to get infected. Its enough that you're online!

I'd rather have my school receive alternative products then Microsoft products. Not to mention that having them ''giving away'' Microsoft products will only increase their allready highly influencive monopoly. Alternative programs are designed to be able accept Microsoft files, but Microsoft programs are NOT designed to accept files from alternative programs properly.

So, for a better future—No thanks. We dont want Microsoft here.

MTC–00025863

From: WOLF1597@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:13am
Subject: comment on msft

Just Recently...Five Billion...was offered by Microsoft to ATT...Then paid...to keep a competitor from getting access to Broadband.

Microsoft's Monopoly of the PC operating system allows it to cut off any competitor by the knee's. And frankly I think that, they think...any Judge can stop them.

Consider...NETSCAPE! Thank You for allowing me to Comment.

W.M

MTC–00025864

From: kathryncornwell@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:13am
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,
Kathryn Cornwell
Rt 2, Box C–16
Killeen, TX 76542

MTC–00025865

From: Doug Yerby
To: Microsoft ATR
Date: 1/26/02 9:17am
Subject: Microsoft settlement

Dear Sirs,

I have personnally used browsers and programs by other manfactures. These products are very inferior to the Microsft products.To make a judgement againts Microsoft seems completely inane.If other companys made a superior or even equal product user would go to it.To punish Microsoft for producing hands down the best product is lunancy.

Sincerly,
Doug Yerby
Valrico, Fl

MTC–00025866

From: Rottet, Kevin J
To: Microsoft ATR
Date: 1/26/02 9:19am
Subject: Microsoft settlement

To Whom it May Concern,

I am personally dissatisfied with the proposed settlement in the Microsoft antitrust case. I feel that competition is essential to the future of the computing industry, and the settlement does not adequately address the clearly illegal past activities of Microsoft that have inhibited or even prevented competition. I am appalled that Microsoft would escape clear punishment for its misdeeds. Furthermore, there are areas of the settlement which do not go far enough in curbing Microsoft's potential to inhibit competition in the future. For instance, there needs to be broader disclosure of file formats for popular office and multimedia applications than what the settlement foresees. It is my hope that the proposed settlement will not take place and the matter will be revisited in a more appropriate fashion.

Sincerely,
Kevin J. Rottet
Assistant Professor
University of Wisconsin-Whitewater
CC:Rottet Kevin J

MTC–00025867

From: mary vensel
To: Microsoft ATR
Date: 1/26/02 9:20am
Subject: Microsoft Settlement
MARY W. VENSEL
4358 TIMUQUANA ROAD, APT. 176
JACKSONVILLE, FL 32210–8561
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to take a moment to express some of my views regarding the Microsoft antitrust case. I feel that the settlement that your office reached was fair and reasonable. I do not see a need for further action at the federal level, especially while Microsoft is involved in negotiations with the remaining states to reach a conclusion.

I believe that this case has hurt not just Microsoft, but the IT industry as a whole, in the sense that it has forced the focus to shift from innovation to litigation. We must restore economic confidence by ensuring that success with consumers will not cause government retaliation, and that standardization and interoperability can win out in the marketplace.

By placing Microsoft under the supervision of an oversight committee to monitor its practices and giving competitors access to Windows code, your settlement will force Microsoft to become a more responsible industry leader, while allowing the competition to share some of its success. Consumers will have more choices, competitors will have more chances, and Microsoft will retain some of the benefits of its innovation.

We must ensure that our country maintains its position as the world's technology leader. I believe that your settlement will allow that to happen. I hope your office will see fit to end this debacle at the federal level and allow the industry and the economy to move forward.

Sincerely,
Mary W. Vensel

MTC–00025868

From: Lane Hartle
To: Microsoft ATR
Date: 1/26/02 9:22am
Subject: Netscape vs Microsoft

I wish everyone would quit picking on Microsoft. This latest proposal to have Microsoft remove the Internet Explorer from the desktop is ridiculous. Why does Netscape

feel threatened? If Netscape had an operating system that was installed on nearly every computer in the world, don't you think THEY would have a link to Netscape Communicator on THEIR desktop? And what IS the big deal, anyway?

Both browsers are free, so Netscape isn't losing any money to a competitor.

Recently, I purchased several new computer systems with Windows XP preloaded. I installed Netscape Communicator 6.2, and it promptly crashed every time I ran it. Several MONTHS after the release of XP, Netscape announced version 6.2.1, which fixed many of the bugs for XP users. It was a good thing Microsoft Internet Explorer was already tested and installed under XP, or I would have had no internet access.

If Netscape feels threatened and wants to complain, then Netscape needs to make sure future versions of Communicator function properly when newer operating systems become available. Or, they need to develop their own operating system that supports their own products.

Lane T. Hartle
lanehartle@yahoo.com

MTC–00025869

From: John Donaldson
To: Microsoft ATR
Date: 1/26/02 9:22am
Subject: Microsoft Settlement

I am very concerned that the proposed settlement does not fit the act.

Please rethink the process and require Microsoft to make amends that, at the very least, equal the crime.

MTC–00025870

From: James Bralski
To: Microsoft ATR
Date: 1/26/02 9:30am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft, I support the Microsoft Settlement. It was criminal for the United States Government to attack success in the first place. Repressive government actions are not in my country's best interest.

Settle now. James Bralski Hermitage, PA

MTC–00025871

From: TomG
To: Microsoft ATR
Date: 1/26/02 9:24am
Subject: Microsoft Settlement

I believe that the subject settlement is more than fair. The obligations accepted by Microsoft go far beyond what is reasonable and fair. It appears that a number of vested interests want even more concessions, but they are not in the public interest, nor in the interest of the long term health of the industry. thank you

Make a Great Day TomG (Tom Gerhart) Tampa, Fl

MTC–00025872

From: ColinRamsay
To: Microsoft ATR
Date: 1/26/02 9:29am
Subject: MICROSOFT

I am not a Microsoft employee nor do I have any financial interest in Microsoft. I am a retired business executive, but I am keenly interested in the Microsoft case as a citizen. The additional penalties which the states opposing the DOJ settlement proposal are demanding would be injurious to both our individual citizens who use the Internet and to our nation's world-wide competitive position. If these states, including Florida, get their demands, our nation's digital innovation will suffer, costs will increase and operating codes compatibility will become more complex. Additionally, the attorneys general of individual states will be encouraged to further feed their egos and political ambitions by meddling in future DOJ cases.

Colin N. Ramsay 8303 Royal Sand Circle #102 Tampa, FL 33615

MTC–00025873

From: Herbert Gonzalez
To: Microsoft ATR
Date: 1/26/02 9:34am
Subject: Microsoft settlement.

Enough is enough! Settle the case!

MTC–00025874

From: Ray Buckles
To: Microsoft ATR
Date: 1/26/02 9:45am
Subject: USAGBuckles—Ray—1040—0124

MTC–00025874–0001

4226 Montgomery Place Mount Vernon, WA 98274–8702 January 25, 2002

Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Microsoft antitrust suit has lingered in the federal courts for nearly four years now. Last June, settlement negotiations began, and it was not until November that a settlement was finally reached. The settlement is pending approval, and next week, the courts will determine whether or not it should be finalized. Unfortunately, Microsoft's opponents would like to see Microsoft more harshly punished, and are seeking to undermine the settlement and bring additional litigation against Microsoft. I do not believe that this is at all necessary. I believe that it is in the best interest of the economy to halt litigation now and to settle the case on the terms proposed last November. Microsoft and the Department of Justice have agreed on a broad range of terms under the settlement that restrict monopolistic actions on the part of Microsoft and require the corporation to effect a number of changes in product and procedure. For example, Microsoft will no longer be permitted to enter into contracts that would require a third party to promote or distribute Microsoft products at a fixed percentage. Microsoft also plans to revise future versions of Windows so that non-Microsoft software will be compatible with the Windows operating system. I do not believe the claims that Microsoft has been dealt with too leniently. Several conditions of the settlement actually extend to technologies and procedures that were not found to be unlawful by the Court of Appeals. The antitrust case has dragged on long enough. I believe it is in the best interest of the public, the economy, and the technology industry to settle the case, and give Microsoft a chance to prove itself in the settlement before dismissing it out of hand. I urge you to allow the settlement to stand.

Sincerely,
Ray Buckles

MTC–00025874–0002

MTC–00025875

From: PAGsurvey@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:36am
Subject: microsoft settlement

Gentlemen: Don't let the computer geeks fool you into thinking we would all be better off selecting and assembling various software components to run on our PCs. That simply is not the case. As a nation we would not have come to the point in computing and information technology without the simplicity Microsoft has brought us. I have been using computers for Civil Engineering and Surveying for thirty years. I remember when this thing would not communicate with that thing because of a lack of a common operating system. Let me also remind you that the anti-trust laws were enacted to protect me, not AOL, Sun and Netscape. If they really had a better idea we would really be using it. Then there is of course the mind boggling question ''should we the people be comforted by the fact that a bunch of government lawyers and a judge now have a strangle hold on the computer industry''.

If you need a cause to occupy your time do something about the credit card industry and the twenty nine dollar late fees they all have begun charging us in addition to interset. Keep in mind here this is hurting me, not Chase or Citibank. To sum up i believe your efforts are misdirected. Patrick A. Gialloernzo, PE, LS

MTC–00025876

From: Shawn
To: Microsoft ATR
Date: 1/26/02 9:38am
Subject: AOL in Negotiations to Buy Red Hat:
http://www.washtech.com/news/media/14759–1.html
AOL in Negotiations to Buy Red Hat:
http://www.washtech.com/news/media/14759–1.html

Let's see, AOL already owns ICQ, Winamp, Compuserve, Netscape, and Time Warner. Yet Microsoft is the one accused of causing a monopoly. Ironic, eh? I can also imagine this imagine this: aol and microsoft go into direct competition, and they have a ''who can buy the most companies'' contest. aol buys red hat, microsoft buys macromedia, aol buys apple, microsoft buys adobe, aol buys dell, microsoft buys compaq, aol buys prodigy, microsoft buys earthlink, aol buys ibm, microsoft buys intel, aol buys amd, and then they continue to buy other smaller software companies and computer manufacturers until there are none left. Then one day, they stop arguing, and merge. it's going to hapen, just wait and see.

MTC–00025877

From: Edwin Meyer
To: Microsoft ATR
Date: 1/26/02 9:39am

Subject: Microsoft Settlement—Count this one against Microsoft

Dear People,

As both a producer and consumer of microcomputer software, I am concerned that a vigorous and open market be maintained for software development.

I understand from independent sources that Microsoft has been attempting to influence the responses during the Tunney Act comment period by a concerted effort to solicit favorable comments. To me, this is a typical Microsoft tactic aimed at bolstering its quasi-monopoly position in the desktop software business and extending it to enterprise computing and networking.

I urge the DOJ to support the most stringent provisions possible to limit Micosoft's ability to control and throttle independent software development in these areas.

Thank you for your consideration.

Sincerely,

Edwin W. Meyer

Edwin Meyer Software Engineering P.O. Box 390070; Cambridge, MA 02139

617–876–1350 Fax 605–238–1795

http://www.edwinmeyer.com/

MTC–00025878

From: Wes
To: Microsoft ATR
Date: 1/26/02 9:39am
Subject: Microsoft hearing

MTC–00025878—0001

January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–00001

Dear Mr. Ashcroft:

Pursuant to the Justice Department's requst for public ocmment on the proposed settlement of the Microsoft case, I am writing in support of the settlement.

It is difficult for the average person to understand all of the charges and counter-charges thrown about in a case such as this. Terms such as ''restraint of trade'' and ''predatory pricing practices'' have very little meaning to the man on the street. Out concern is whether, after the litigation is over, the public interest was actually served by the lawsuit and its settlement.

The public interest will be well served by this settlement if for no other reason than expanded choice. Microsoft has agreed to allow make it easiser for consumers to use non-Microsoft products and programs when using Windows as their operating system. There will now be greater choice for consumers in selecting Internet providers, media players and other programs.

I hope that this settlement will remain intact after the public comment period. Our economy needs these companies out of the courtrooms and back to work as soon as possible.

Sincerely,

Wesley T. Charpie

Charpie,

3970 Waycross Drive,

Columbus, IN 47203–3526

MTC–00025879

From: FRIT0LAY@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:39am
Subject: Microsoft Settlement

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement reached in the Microsoft anti-trust dispute is essential to the continued success of America's technology industry in the world market. Our IT industry has floundered for the past three years since the inauguration of this anti-trust suit against Microsoft three years ago. This settlement is fair and is a prime opportunity to put this litigation behind us.

Under the terms of the agreement, Microsoft has agreed to design all future versions of Windows to be more compatible with the products of its competitors. Microsoft has also agreed not to retaliate against any competitor who produces products that compete with its own. And, finally Microsoft has promised to report to a three person technical committee that will monitor Microsoft's compliance to these terms. I believe that this settlement is reasonable for the simple reason that it will allow Microsoft to get back to business without being pirated and split apart.

Thank you for you help in this issue and for allowing me to express my opinion. Free enterprise is a precious commodity in this nation and it must be protected.

Sincerely,

James anf Harriet Lay

1405 Hickory Hollow Dr.

Flint, MI 48507

MTC–00025880

From: Jack Beglinger
To: Microsoft ATR
Date: 1/26/02 9:41am
Subject: Microsoft Settlement

Dear Sirs,

The current settlement plan between Microsoft and the US Department of Justice, fails to stop the ''Monopoly Tending'' of Microsoft. In actually, it helps strengthen Microsoft's Monopoly to the point of helping Microsoft try to destroy the only competitor to they reign of power—LINUX. The agreement's greatest flaw is the definition of a class of companies that Microsoft ''needs'' to talk to ISVs and OEMs and the like.

I am and have been both types of ''companies''. I build my own machines—like a DELL or Gateway. I write code and create Integrated Systems akin to a Symantec or a CSA. But I am also a single person, to small for Microsoft to talk to, to small to afford the cost to go their meetings about their technology. I have for years be forced to buy Operating Systems at full retail prices, though I build me own machines. I was blocked for years of getting Windows 95 OSR2—an OEM only version of the OS containing the newest hardware interfaces.

By allowing this agreement to contain clauses that ''anoint'' companies that Microsoft must ''talk'' to you have caused Microsoft greater monopoly power by being the ''glue'' in a cartel of large companies all protecting they own pocketbooks.

A case in point is IBM. Microsoft was at one time offering PowerPC Windows NT System. PowerPC is used in IBM's Midrange Machines and Apples Macintoch. Microsoft pulled the support of that processor. Which give Intel more years to keep pricing inflated on its processors—both the x86 line and the Alpha that Intel was building for DEC. Compaq Computers now own DEC. Instance Microsoft strengthen two of its best business partners and itself while trying to hurt IBM.

With NDA and limited information that Microsoft is required to release. LINUX will be hurt by not having access to information for compatibility. LINUX is a competing operating system that Microsoft can not buy or sue i nto non-existence. Companies, like RedHat, make money is selling services or easy to install copies of the OS, without having to pay a licensing fee. But LINUX licensee places a burden on a developer that code made avai lable via under it licensee is free of other licensing restricting and the full source is available at no extra charge. In this way the next developer can improve the code and again pass it on. Allows for thousands of people to give a little of themselves for the greater good. Signing a NDA or paying for trips to meetings, places a unfair burden in small ''guys'' like myself to compete, or share what I have learned. Even to share code, since licensing restrictions may get in the way. Instances,

I am ''un-clean'' to work on open source projects. I may use some else IP by accident. In the end, the agreement should be blocked and better settlement be reached. IF the agreement is kept, then change it so the following happens:

1) All API's are published, documented, and examples made available 6 months prior to first general release containing the API's. Release of API's is made by any method of Microsoft's choice as long it is also placed on microsoft.com website, easily found (example: Search: ''API WinXP'') and limited to HTML version 3 display standards. Further not having to register with or agree to a NDA with Microsoft or any other company to gain access to this information.

Further to state... an API is not Intellectual Property, but ways to ''talk'' to a program that is.

2) A Beta version is released and in the hands of all whom asks for it, no later than 3 months prior the general release or an product. Any changes to that Beta must in the hands of all who received the original shipping, to later than 2 weeks after the change were made or 2 weeks prior to general release, which ever is earlier. An exception is a emergency release because a virus exploit.

3) Remove any clause that defines who Microsoft has to talk to. Instead place ''Any person who wishes know''.

Change 1, insures that if I wish to create a product that interacts with a Microsoft product, that I have full and complete information. AND will not be blocked or restricted by Microsoft. Change 2, Allows me to make compatibility tests and modification to my code prior to Microsoft releasing their product. This way my customers are protected from changes that may break code they are running. Change 3, Allows anyone

who wishes to go a technology meeting will be allowed IT IS NOT LONGER A ''PRIVATE CLUB''.

If in way I can help, please let me know.

Jack Beglinger
8900 Keeler Ave
Skokie, IL
847–677–2427

MTC–00025881

From: Richard Zelade
To: Microsoft ATR
Date: 1/26/02 9:41am
Subject: Microsoft settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I strongly object to the presently configured, proposed settle of the Microsoft antitrust lawsuit for the following reasons, and offer some suggestions on changing it to something that will truly benefit the American people and the rest of the computing world.

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. 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. 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 (cf. current practice at the World Wide Web Consortium, http://www.w3.org/TR/patent-practice). 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.

MTC–00025881–0004

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 systemsMicrosoft 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 ProvisionsThe 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 MicrosoftMicrosoft 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 MicrosoftMicrosoft 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.

MTC–00025881–0005

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. 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.

II 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 definitions

Definition U should be amended to read 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.] 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,
Richard zelade
2821 East 22nd St.
Austin, TX 78722
512–477–1044

MTC–00025881–0006

MTC–00025882

From: John McQuillan
To: Microsoft ATR
Date: 1/26/02 9:40am
Subject: Mr. Ashcroft,

Mr. Ashcroft,

I have attached a letter outlining my strong feelings that the government of the United States move forward with the Microsoft settlement.

Sincerely,
John McQuillan
CC:
fin@mobilizationoffice.com@inetgw
12 Bruce Lane
Northport, NY 11768
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Please accept the following comments made pursuant to the Tunney Act's public comment requirement in the Microsoft antitrust settlement.

I support the parties'' decision to settle this case. The terms of the settlement agreement are reasonable, and will accomplish the goal of preventing anticompetitive business practices by Microsoft. For instance, design obligations will also be imposed on Microsoft. These obligations will have the net effect of making it easier for consumers to remove and replace features of Windows with software made by Microsoft's competitors, thereby making it easier for consumers to choose other software over Windows, if they so desire. Additionally, a technical committee will be created to monitor Microsoft's compliance with the terms of the agreement.

I am hopeful that, in its review of the settlement agreement, the Court will appreciate the concessions made by Microsoft, the monumental contribution that Microsoft made to productivity of the American economy, and will realize that it will not be in the best interest of the American economy or the American consumer to continue litigating this case.

Sincerely,
John McQuillan
631–757–4522
jmcquill@optonline.net

MTC–00025883

From: Lee D. Ibsen
To: Microsoft ATR
Date: 1/26/02 9:42am
Subject: Microsoft Settlement

As a professional computer user and a patriotic US citizen, I think we owe a debt of gratitude to Microsoft for providing the long-range planning for PC software packages which work seamlessly together. I know that many of the current players did not go through the confusing early years of PCs when users had to resort to writing their own software to get one application to transfer data to another. I did, and as an engineer who used computers as a tool I was very grateful when Microsoft established those interface standards to make the PC so much more valuable as a tool to help me solve my problems. And as new ideas came along I could count on Microsoft to rapidly incorporate them into its growing suite of tools.

I think this whole lawsuit is ''Sour Grapes'' by jealous competitors. And somewhat politically motivated. What if the government had not allowed Ford to innovate as new features for the automobile were developed? Would you have sued Sears for incorperating the Crescent Wrench in its suite of tools? If it hadn't been for Microsoft, the computer age would probably not have occurred. Instead of a lawsuit—they should be getting awards!
Lee Ibsen
Systems Analyst
USAF

MTC–00025884

From: heinos
To: Microsoft ATR
Date: 1/26/02 9:42am
Subject: Microsoft Settlement

The DOJ anti-trust settlement recently concluded is fair for all parties concerned. Further litigation should be avoided since any outcome will in most probability make it more difficult and costly for the consumer, the computer industry and the economy as a whole. The market should determine who the economic winners and losers are and not determined by the never ending litigation in the courts.

From my viewpoint this anti-trust action was driven more by Microsoft's competitors rather than by the consumer who should always be the real beneficiary of any anti-trust action. It would be interesting to know how many of the 150+ million computer users, excluding those employed by competing firms, voiced a complaint in regards to this lawsuit.

If it wasn't for the low cost bundled standardized operating system packages produced by Microsoft, the computer industry and it's technical offshoots would not be as widespread and orderly as they are today.

In fact, many of Microsoft's competitors would not be in existence today if it were not for the success of Microsoft in developing this mass market. Should a company be penalized for producing a high quality, low cost product purchased by consumers who own 90% of all personal computers? A 90% penetration of the personal computer market sounds like a howling consumer endorsement of Microsoft products! In the area of consumer costs, the cost of an installed Microsoft PC operating system package in a new computer probably wouldn't be enough to pay for an hour spent at dinner for two at most medium priced restaurants; whereas, the consumer gets thousands of hours of enjoyment from the same investment.

Finally, all companies should be free to add (bundle) any features into their products as they see fit to make the product more versatile to the mass of consumers. It's true that some consumers may not want a particular feature in a product, but consumers have always been buying mass

produced products with features that they may, or may not use. Should software be sold any differently than other product lines, or do software packages have to be expensively tailored for each of the 150+ million personal computer users? Where would personal transportation be today if the evolution of the automobile was stopped at the invention of the wheel thousands of years ago?

Frank Heino
762 Bison Drive
Houston, TX 77070–4401

MTC–00025885

From: Rick Kennett
To: Microsoft ATR
Date: 1/26/02 9:35am
Subject: Microsoft Settlement
Attention Renata B. Hesse
Antitrust Division U.S. Department of Justice

The proposed settlement does little to nothing to end Microsoft's growing domination of in the computer industry and, more importantly, much more importantly, the Internet. Microsoft continues to leverage their dominance of the Windows OS in areas that that will jepordize not only fair competition but ultimately the freedom of information in general. Somone must ensure that the proposed settlement is scrapped or modified in a way that not only provides justice, but protects our freedom.

Thank You and Regards
Rick Kennett
Guildweb Information and Technology Services

MTC–00025886

From: Gary Wright
To: Microsoft Settlement
Date: 1/26/02 9:42am
Subject: Microsoft Settlement
Gary Wright
32269 Cour Pomerol
Temecula, CA 92591
January 26, 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.

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,
Gary Wright

MTC–00025887

From: Ivo Jossart
To: Microsoft ATR
Date: 1/26/02 9:47am
Subject: Microsoft Settlement

i cannot agree with this court decision.

It's not weakening Microsoft, it's no real punishment for a company that's convicted for unfair practices... (practices that continue going on—have a look at Windows2000 & Windows XP—i cannot remove Outlook Express, Internet Explorer, MSN Messenger).

I also would like to see that the court tells Microsoft that every software inside Windows2000 that was removable in Window98 and earlier, should remain removable. e.g. Internet Explorer, Media Player, MSN Messenger, defragmentation software, windows scripting host...

Due to the connection between the operating system and the internet browser, millions and millions of dollars have been lost—due to virus-spreading activities. No real changes have been made to make the systems safer—by making the Internet Browser a normal application instead of putting it inside the operating system, as Microsoft want is to be. I believe an operating system should server the applications—and there should be a difference between the operating system and the internetapplications—just to keep everything a bit more secure. A lot of software-packages are no real part of an operating system, should be removable and we should have the right to protect our privacy and freedom of choise.

That right is never been more neglected that during the last few years—it started with the appearance of Windows2000 and it's getting worse every time there's a new operating system on the market.

At this moment we're in no position of asking Microsoft to do so—now at the point that there is an overwhelming majority of IE users, it seems that the company is loosening their grip a bit on the Internet browser-theme. I also want to point out that this company is spreading lies about an open source initiative called linux. It's just a game for them—and there's no way to defend us consumers against these practices.

But right now they're playing the same game as with Internet-explorer vs. netscape on the multi-media streaming market & the instant messaging market. Of course the software is free—but the development costs are hidden into the operating system cost. (look at the higher prices of Windows XP home & Windows XP Profession—vs. Windows98 & windowsNT 4). Normally i don't have the right to interfere, but due to the worldwide effect of this case, I believe it's my moral duty to say something about this important theme. And i believe i have the right to interfere—when an american company hurts a world-citizen, that man or woman should be able to say what he has to say. There's more in this play than just unfair business practices it's the freedom of speach that's endangered.

Kind regards.

MTC–00025888

From: Dan Johnston
To: Microsoft ATR
Date: 1/26/02 9:47am
Subject: Microsoft Settlement

I think think that the proposed settlement with microsoft is a bad idea. I have witnessed and experienced the microsoft monopoly for many years. I believe that the only way to break their monopoly, and to bring not only competition but innovation into the marketplace, is to split microsoft into several (at least 3) different companies, in a similar way as was done to the oil monopolies of many years ago.

Sincerely,
Dan Johnston
Division of Neuroscience
Baylor College of Medicine
1 Baylor Plaza
Houston, TX 77030
713 798–5984 (voice) 713 799–8544 (fax)

MTC–00025889

From: jhministry
To: Microsoft ATR
Date: 1/26/02 9:48am
Subject: Microsoft Settlement

Once again another competitor is attemtping to sue Microsoft for the same thing that the DOJ has tried then for. Microsoft has been tried and a decision has been made by the DOJ. When is the DOJ going to stop allowing any competitors who so desires to continue to harass Microsoft? Let's put an end to this!

Rev Johnie Hinson
Hampton, VA
Jesus Is Lord!

MTC–00025890

From: Scott Swain
To: Microsoft ATR
Date: 1/26/02 9:54am
Subject: Microsoft Settlement

Please leave Microsoft alone! They have done more good by far for this country (and the world) than harm. We have come along way from the American businessman being a hero and that is sad to me. Spend your time (and my tax money) attacking real criminals.

Scott Swain
http://OceanWebs.com
Austin, TX

MTC–00025891

From: dickh@skyhigh.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:48am
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,

Richard W. Higginbotham

84 Cherokee Trail Medford Lakes, NJ 08055–1602

MTC–00025892

From: The Fallons
To: Microsoft ATR
Date: 1/26/02 9:52am
Subject: Microsoft Settlement

To whom it may concern:

I have been a computer user for a number of years now. I have used both Microsoft's and America Online's products and services. I have also sat quietly and watched the developments of the lawsuit against Microsoft, with no comment other than to shake my head in dismay. Upon seeing that AOL intends to reopen the case with a private action against Microsoft, I felt I had to at least say something on Microsoft's behalf.

To anyone who has watched the development of the technology over the last several decades, it is quite apparent that the charges against Microsoft are baseless. They have been the pioneers in developing operating systems and applications software for consumer use for years. Their actions in the market have been driven, in addition to the obvious motive of market share, largely by consumer feedback and consumer demand. Each one of their developments incorporated new (sometimes even third-party) software, to enhance the users'' experience, without the added cost of having to actually purchase the third-party software at additional cost to the user. At the time, each one of these separate tools incorporated by Microsoft were individually welcomed and even applauded by the consumers who had demanded such incorporation. The industry was being driven by an unusual combination of competition and cooperation, which has contributed to one of the fastest-growing segments of our economy. Concurrently, AOL was developed in an interesting time of technological flux, able to make an industry out of utilizing existing telephone lines (constructed, coincidentally, by another company which fell prey to an anti-trust suit) to conduct a business in which they collected receipts for the use of these existing lines. They created nothing substantial, and they made no contribution to the software or hardware industry other than on their own behalf.

Now the market is suffering, because AOL chose to utilize the court system to accomplish what they were unwilling or unable to do in the competitive marketplace. And we, the people, are not only going to suffer the consequences, we are being asked to pay for the litigation which will yield the end which AOL is seeking. And finally, to add insult to injury, AOL is claiming to be doing all of this ''on our behalf'' as consumers.

It's time all of this hogwash stopped. Enough time, money, and effort have been misdirected already. AOL will not back away or stop the fight until someone tells them to. That someone has to be the Department of Justice, and the time to do it is now. I urge you to do just that.

Sincerely,

Jeffrey S. Fallon

MTC–00025893

From: Diana Carsey
To: Microsoft ATR
Date: 1/26/02 9:53am
Subject: MICROSOFT SETTLEMENT

This message offers a comment on the settlement between DOJ and Microsoft.

I support the settlement already agreed upon that requires Microsoft to make it easier for users to load other programs and that allows programmers to interface with Windows. That's cool. As a new user of an XP, I appreciate the inter-relationships I have found pre-loaded on my machine; and I am glad that XP seems to have adopted this more-open approach.

I do not support harsher penalties sought that would split out Windows from all of its programs. Computers are an essential part of our lives, they should be increasingly sophisticated, not made to be difficult and awkward for us to use. Keep Windows together the way it was invented; and let the competition among creative minds continue in all the other ways that we use these technologies.

Diana Carsey

MTC–00025894

From: Mal Morley
To: Microsoft ATR
Date: 1/26/02 9:58am
Subject: Microsoft Settlement

Gentlemen:

After perusing the proposed settlement, it appears to me that consumer interests have been well served, and the time to end this costly and damaging litigation has come. Please close this suit without further ado.

Thank you,

M. A. Morley

Pasadena, TX

MTC–00025895

From: WRSousa@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:01am
Subject: Microsoft Settlement

I have been using a PC since 1982. I am retired now and living in a large retirement community. I am pleased to see so many senior citizens age 70 and over getting new computers and learning how to make use of them. Our computer club now has over 2000 members! This growth can only be attributed to the simplicity of use that Microsoft has built into its Windows operating system.

I vividly recall the state of affairs in the early days of the PC. The odds were that if you bought a software package it would be so complicated to use (assuming it was possible to install it correctly) and so poorly integrated with other software, that much time, effort and money was wasted. I doubt that the computer industry would be as strong as it is today, and still growing, if Microsoft had not been able to innovate to build in features that make the software simple to use. If they did go a bit too far, the PC User has been the benificiary.

I don't have any sympathy for those who complain that they cannot compete with Microsoft. Build a better product and it will sell! By continuing to pick on Microsoft, the government is, in effect, subsidizing incompetence because only rivals who have nothing to offer will benefit..... Not the PC User or the American people!

If Microsoft overstepped some bounds, government settlements have already been achieved. Enough is enough! Get off Microsoft's back and let them get back to innovating and growing the industry. The American people deserve it.

MTC–00025896

From: Stuart Powell
To: Microsoft ATR
Date: 1/26/02 10:04am
Subject: Microsoft Settlement

Dear Sir/Madam,

Having been found guilty of abusing its monopoly position in the IT market place, it seems odd to me that the proposed settlement amounts to nothing more than a light slap on the wrist for Microsoft, and then offers measures that will potentially further their stronghold in this market. This case should not end with a settlement. Microsoft has been found guilty of a crime and should be punished. By acting to find a settlement in this case that involves input from Microsoft themselves, the message is put across that corporations of this size and power base are above the law. Having been found guilty, they should be punished; it is that simple.

As a global player, Microsoft has abused its position the world over. As such, would it not be prudent to seek advice from the governments of other countries as to a suitable punishment, instead of the perpetrator ?

Microsoft must pay the price for its past misdeeds. Does the US government really want to seem to be less powerful than Microsoft in the eyes of the world ?

Yours faithfully,

Stuart Powell.

MTC–00025897

From: sjjk@bektel.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:02am
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,
John Klempel
PO box 392
Hazelton, ND 58544–0392

MTC–00025898

From: Cody Fyler
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Your settlement of this case is too lenient on Microsoft. They stifle innovation, charge too much for their products, and produce software that is full of bugs and security holes, and we have no choice but to buy it, as they have eliminated all competition with predatory business practices. Even when they buy a good software product and add it to their line, they manage to screw it up. Please reconsider, and throw the book at them.

Cody Fyler
Web Developer
Wells Fargo Financial

MTC–00025899

From: GeorgeHNJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Dear Sir,

The enclosed file is my letter expressing my approval of the settlement agreed to by Microsoft and the department of justice in November of 2001. I think it is a sound and fair agreement. It is high time that the books are closed on this matter so that competition and innovation can resume. Dragging this litigation will cause additional coast and delay competition.

Sincerely,
George Hilal
CC:
Fin@mobilizationoffice.com@inetgw
160 Pearlcroft Road
Cherry Hill, N J, 08034
Email: GeorgeHNJ@AOL.COM
Jan. 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you to indicate my support for settling the antitrust suit against Microsoft. I believe that the agreement reached in November is fair for everyone involved, and that it provides a reasonable solution to the government's wishes to expand competition in the technology market.

Offering consumers new options to remove Windows programs from their computers in favor of those by competitors is only one of the ways that Microsoft would change the way it conducts business with the public and other corporations. The change affects the entire spectrum, from rival companies in the technology sector, down to the individual consumer. The government cannot ask for more sweeping changes than that.

I urge you to settle the antitrust case because its merits were never fully proven, and enough time and money has been spent trying to do so.

Sincerely,
George Hilal

MTC–00025900

From: Hugh Solaas
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Dear DOJ,

I would like to go on record to support a rapid execution of the existing Microsoft settlement. I believe it is fair and would like to see Microsoft getting back to putting all their energy into creating products and jobs, not lining the pockets of lawyers.

Thank you for your consideration,
Hugh O. Solaas
7302 NE Twin Spits Rd.
Hansville, WA 98340

MTC–00025901

From: Hemant C. Patel
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Regarding such ongoing attacks on Microsoft / Bill Gates,

I am seriously concerned, as a very active user / supporter, of Microsoft products and a strong believer in how well established the company has been all these years investing huge sums of monies accompanied with vast resources of human efforts to achieve such high standards in new directions of technology in all the superb products / services they provide, I believe the United States Government should put an end to people who try to unfairly accuse / sue the company for its business success / policies. Instead of encouraging such actions they should put an end to this process that is a total waste of money and time, and concentrate in supporting future research / development of new directions in the Information Technology / related fields. The same resources that are being wasted in these negative fruitless efforts if employed positively would benefit the United States of America as a leading force in this vast field of Information Technology and benefit the worlds people. Why is it that the Government even allows these false groundless accusations to reach such stages and attack individuals like Mr. Bill Gates who has achieved monumental goals successfully to provide such beautiful innovative technology for use by all? I just hope that there is some serious effort to put an end to such waste of resources as this is the very time we should hope for a United and strong effort to support the best we have for the future as it will only get better with such support.

Hemant Patel

MTC–00025902

From: Marie Taney
To: Microsoft ATR
Date: 1/26/02 10:08am
Subject: comment period

Microsoft has shown disdian for the american judicial system, ignored a ruling in the early 90's has crushed or absorbed many companys to keep its monoply position.

The only real sulition is for Microsoft to be forced to reviel all the API's in thier opperating systems in an effort to level the playing field. Microsoft has caused great harm in the computing area and has overcharged for its opperating systems causing harm in American economics

Marie Taney
Monterey California

MTC–00025903

From: Camille Mahant
To: Microsoft ATR
Date: 1/26/02 10:07am
Subject: MICROSOFT SETTLEMENT

I am an admirer and stockholder of Microsoft Corporation, whose products have let me produce high performance work and are better than those of their competitors, some of whose tools I've tried.

Respectfully, I request that the U.S. Department of Justice accept a settlement with Microsoft, and recommend that the individual states who have chosen not to accept it re-consider.

I also have a personal opinion on the recent AOL lawsuit against Microsoft over Netscape—this is an old story and, you know, AOL has sour grapes in an area where Microsoft has superior service and coverage. I think AOL deserves to be countersued for harassment of Microsoft and should not be allowed to use the legal system to attack its competitor which it is unable to surpass in any real business or technical area.

Thank you.
Camille Mahant
42299 Wild Mustang Rd
Murrieta, CA 92562
909–600–8904

MTC–00025904

From: Ron Munier
To: Microsoft ATR
Date: 1/26/02 10:10am
Subject: Microsoft Settlement

The settlement is fair.

Indecision is hurting the economy and the consumer.

Ron Munier
Houston, TX

MTC–00025905

From: lgracey@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: January 26, 2002
January 26, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this correspondence is to congratulate you on your decision to settle the Microsoft antitrust case. This conflict has cost you and Microsoft time and resources that can now be used for other priorities. Outside special interests with an extreme anti-Microsoft bias are seeking to undermine this settlement. This is regrettable because the settlement will create a more fair and open technology sector of our economy. Microsoft has agreed to offer more information to competitors so they will be able to create more competitive software. Microsoft will also make it easier for competitors to place software on MS systems

in the future. A technical committee that includes a permanent government monitor will enforce all provisions of the settlement.

If the settlement goes through Microsoft and the Justice Department will be relieved of the burdens of this case. I feel it is necessary for you to resolutely support this settlement to ward off elements that have no interest in seeing this case settled.

Sincerely,
Louie Gracey

MTC–00025906

From: H—J—
Bronson@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:13am
Subject: Microsoft vs. DofJ Settlement
January 26, 2002

To Whom It May Concern;

As a citizen and, most importantly, a veteran, voter and taxpayer I cannot understand why the DoJ is still wasting the taxpayers money and its valuable time. The Microsoft settlement is the face-saving end to a wholly unconstitutional, politically corrupt attack on this successful business. The depths of corruption displayed by the previous Administration in falsely bringing on this suit are, forever, a blight on this nation's integrity.

The present Administration and its DoJ representatives bring nothing but disgrace and contempt on themselves for pursuing this frivolous action even to the extent to which you have brought it today.

Settle the damned suit and get on with real problems such as the WAR!!

A less than impressed citizen, veteran, voter and taxpayer,

Jim Bronson, KC8RBI
Frankenmuth, Michigan

MTC–00025907

From: Allen Threatte
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: Microsoft settlement

To who it may concern:

As a senior who uses the internet and computer software, I urge the government to accept and comply with the negotiated settlement with Microsoft. The breakup of the software company will lessen the ability to work through the internet and will be more complicated.

It seems that the competitors of Microsoft are only thinking of monotary results and not the expertise and ease of operation of a computer by elderly people and a learning public.

Yours in Christ:
Allen Threatte
323 Tattnall St
Claxton, Ga. 30417
912–739–1850
athreatte@Juno.com

MTC–00025908

From: Robert J Goad
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: Microsoft Settlement

Sirs:

I believe that the settlement of the Microsoft case had dragged on far to long. It is time to initate the settlement and get on to far more important things. To allow Microsoft competitors to continue to insist on larger penalties is not in the best interest of the general public, as far as I am concerned. I am not a Microsoft fan, but enough is enough.

Sincerely,
Robert J. Goad
8441 Flagstone Drive
Tampa, Florida 33615–4915
email address: w7kpx@juno.com

MTC–00025909

From: phoebe—f
To: Microsoft ATR
Date: 1/26/02 10:15am
Subject: Microsoft settlement

I will be brief... At this time our country needs this strong company to be free from these sorts of litigation... they need to continue on creating and providing products that are easily accessed... as a senior citizen nothing has made my life more productive then the constant support from the folks at Microsoft. I understand that they are a stiff competitor lets just let them resolve this grievances .

To all the very difficult work you all are doing our hats are off. sincerely,

PHoebe Fensterman,
Richmond, Va.

MTC–00025910

From: HalRoberts@tx.slr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:18am
Subject: Microsoft Settlement

I believe that the whole lawsuit was financially, politically motivated and outright unfair right from the start. It was brought into court by people who just could not compete with their own talent with Microsoft's PC operating systems. We still use Microsoft exclusively in all our PC's end user applications and probably always will.

However, if Microsoft is willing to live with the final decision they should be given the opportunity. They believe it is the best place to start over and so do I.

The only reason the opposistion is not satisfied is they were hoping the courts would hand them the keys to the PC operating market.

Hal Roberts
Cisco Constellation TE
Solectron Texas LTD
708–6285 Pager
425–4039 Phone

MTC–00025911

From: Terrence Kearns
To: Microsoft ATR
Date: 1/26/02 10:17am
Subject: MS Antitrust Settlement

The proposed MS settlement not only fails to punish MS for its clear monopolistic and anti-competitve practices, it does nothing to promote a fair market place, and actually solidifies Microsoft's monopoly. The idea of MS ''giving'' equipment and software to needy schools is like the dope peddler ''giving'' free samples to the uninitiated. Once MS gets the new schools hooked on their operating system, the schools will soon need the next upgrade, and that one will not be free. Of course the schools will get government grant money to give to Microsoft for the next ''needed'' upgrade, and the one after that. MS has cleverly furthered its monopoly while giving a public appearance of being generous and charitable. It seems as though the DOJ is taking the position that, ''in this time of economic crisis, we dare not do anything to harm Microsoft because Microsoft is the only game in town.'' Well, that's the whole point, isn't it.

The proposed settlement, by continuing to stiffle alternative operating systems, results in vulneratility to info-terrorism. Terrorists interested in bringing down the economy by introducing computer virus have a perfect opportunity when there is essentially only one operating system to deal with, and that one full of security holes.

MTC–00025912

From: Pres53@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:19am
Subject: Microsoft Settlement

The antitrust settlement between Microsoft, the Department of Justice and the nine states presents a very excellent conclusion to what has been a prolonged matter. Microsoft is being harshly punished but has, nonetheless, accepted these punishments. The litigates should declare victory in this suit and continue on in their jobs by prosecuting terrorists, drug dealers, money launders, and other direct threats to the security of the populace. The settlement is, in fact, an excellent opportunity for the industry and the consumer. The industry can now return to competition in the marketplace where the consumer will be offered all products and have the decision to decide the fate of Microsoft. With this real and evident competition, Microsoft and the industry will be in a position to innovate and improve their product offerings. America and its economy stand at a critical point in our progression. At no other time in this generation have the threats from abroad endangered us as much. We, as a country, must progress and not stagnate through continued gerrymandering. The best way to do this is for Microsoft to return back to its mission of creation, innovation, and manufacturing (creating jobs in America during a recession when stimulus is needed). The Microsoft settlement ought be ratified and this litigation must stop, for the good of the children and the future.

Sincerely,
James P. Hohmann
St. Paul, MN

MTC–00025913

From: Chris Hruska (Grad)
To: Microsoft ATR
Date: 1/26/02 10:20am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea.

-Chris Hruska

MTC–00025914

From: L. Frank Turovich
To: Microsoft ATR
Date: 1/26/02 10:21am
Subject: Microsoft Settlement

Microsoft (MS) should not be allowed to walk away from the damage they have done to both competitors, like Netscape and Sun,

and subsequently, consumers of desktop computer products. Allowing Microsoft to continue as they have will lead to them having even more of a monopoly over our life, in more areas, then ever before.

To bring an analogy into the picture, it's not totally accurate, but hints at what I am trying to say. When the Ford Motor Company first starting producing Model-Ts, it was said you could buy them in any color, as long as it was black. To bring this into our day and time, you can buy any x86-based computer from any major PC company, as long as it runs MS Windows.

Now, due to the demands from the customer, and competition from other car manufacturers, Ford eventually was forced to offer cars in other colors simply to remain competitive. This in turn led the other car manufacturers to compete in other ways, to differentiate their product, and remain competitive. This competition has improved the cars themselves, drove innovation, and created several dominant car manufacturers, each one competing on a level playing field. Along the way it built up a huge billion dollar industry that continues to drive our economy.

Microsoft is in the same superior position that Ford once held, but unlike Ford, MS has such a stranglehold over their product line, their buyers, their software producers, their customers, that competition is not encouraged but stifled. Ford was unable to block other manufacturers from creating new products simply because he didn't own the paint companies other companies bought from, didn't own the steel mills that sold steel to competitors, nor owned the roads upon which competitor's cars could drive. MS does own these things, and they use them to monopolize the marketplace, control access to the market, stifle innovation, and as a base to expand their control into more areas of our life.

I for one, do not wish to live in a world where the only choice I have in auto color is black, nor one where my only OS and related software is produced by Microsoft. Not only would it be incredibly boring, but it takes away my fundamental right to choose. If their is only one option to buy, there is no choice. Having a MS-only world is a sure sign of the stagnation of ideas and competition and the decay of our technological infrastructure, and while it may look good in the short term for our economy, the long term will surely suffer enormously from this restriction.

Please make the correct decision to by reject the current settlement as written, go back to the bargaining table, and reach a solid, strong agreement that encourages competition in our marketplace, encourage innovation, and discourage any monopoly from using their vast power to extend their reach into other areas,.

Thank you,

L. Frank Turovich

MTC–00025915

From: noel—harris@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:19am
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,

Noel Harris
Rt.3, Box55
Cuthbert, GA 31740

MTC–00025916

From: mike foland
To: Microsoft ATR
Date: 1/26/02 10:24am
Subject: Microsoft Settlement

Department of Justice:

It's time to move on! As a ''Top 5% of Americans'' taxpayers to the U.S. Treasury, I feel the government has reached a FAIR settlement with Microsoft. Let's move on! The DOJ has other things to worry about(Sept. 11th terrorists) to pursue this matter which only benefits Microsoft's competitors. The measures presented in the settlement are fair and both sides can live with that agreement. It's time for the Federal government to move on the other pressing problems. Let's spend those tax dollars fighting foreign enemies.

An American Taxpayer

MTC–00025917

From: Paul Grabowski
To: Microsoft ATR
Date: 1/26/02 10:25am

To Whom it may concern,

I have been a small businessman for over 20 years, and in the beginning we had a staff of 8 or so people, doing about $250,000 of sales a year. Now am selling over a million dollars of goods a year with a staff of 3 people.

At that time, I saw the need for computerization in order to run my business more efficiently and accurately with less overhead. At that time there weren't any personal computers, and I was forced to spend over ten thousand dollars in equipment and programming (this was in the early 80's) to have someone design a simple program that merely did job cost estimating. This was an outrageous amount of money to spend to acquire such a simple task. To learn about DOS was beyond my comprehension and desire.

I have learned that the simple solution to success in business is to ''find a void and fill it''. By this I mean to find out what people's needs are and to service those needs with simplicity and as little discomfort to the consumer as possible.

I know that Bill Gates did this very thing buy of course on a much larger scale.

Competition is a wonderful and needed thing in America, as the consumer is the one benefiting the most from businesses forcing themselves to be more professional and offering services and products that are better and less expensive than they would be otherwise.

However, just because someone is smart and has foresight and energy to extremely simplify and market a product does not create a monopoly.

UNDERSTAND THIS STATEMENT:

I DO NOT FEEL FORCED TO BUY OR USE MICROSOFT PRODUCTS.... I CHOOSE TO BECAUSE THERE ISN'T ANOTHER PRODUCT THAT DOES THE SAME OR MORE AT AN EQUAL OR LESS PRICE.

Tell the losers that do not have the smarts or know-how to accomplish this task to quit crying in their beer and blaming Microsoft for their own failures. I am a Veteran of the Armed Forces and sacrificed much for this country of ours so that folks can be successful here and hopefully to create a better place for us and everyone else in the world.

So back off Attorney General..... you should salute Bill Gates and his Microsoft staff, not castrate them

Paul M. Grabowski

President of Tallahassee Kitchen Center Inc.

MTC–00025918

From: willie northway
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: atrocious

Please don't allow the biggest threat to competition in any market to walk away unpunished. Microsoft was found guilty of monopolistic practices, even while their lawyer is in court, the company is busy pulling off further scams to extend their stranglehold over the computing market and our future.

Punish Microsoft, not consumers.

- Willie

MTC–00025919

From: mike
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: Microsoft Settlement

To Whom it may concern,

The Microsoft settlement is NOT a just punishment, it allows them more market penetration. Please see that Microsoft is punished such that they do not continue as a monopoly. thanks,

Mike Landrus
Austin Tx

MTC–00025920 FROM: Carol A Ghenic TO: MS ATR DATE: 1/26/02 10:27am SUBJECT: Microsoft Settlement

George Ghenic
1760 Culver Avenue
Dearborn, MI 48124
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530
Dear Mr. Ashcroft:

I am contacting you because I would like to request that you strongly support the settlement reached in the Microsoft antitrust case. We must conclude this case.

Microsoft has been held in court by the government for too long. This settlement will allow Microsoft to return to business and get out of the federal courts. Microsoft has compromised much in this settlement, including agreeing to disclose the proprietary code to competitors. Nevertheless, some opponents of Microsoft may try to undermine the settlement. They would like to see Microsoft damaged in court, and that is wrong.

I thank you for taking the time to consider my views on this issue.

Sincerely,
George Ghenic

MTC–00025921

From: Ed Greenfield
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: Microsoft Settlement

I would like to let the Department of Justice know that Margaret and Ed Greenfield are in agreement with the Settlement with Microsoft and would like to see this Long and Costly Mess be settled soon as possible.

Sincerely,
Ed Greenfield
618 Emilie St.
Green Bay, WI 54301

MTC–00025922

From: Christian Provenzo
To: Microsoft ATR
Date: 1/26/02 10:25am
Subject: Microsoft Settlement

Dear Parties,

I do not believe that it is right for the United States Government to punish successful entrepreneurs such as Bill Gate and his Microsoft Company simply because they beat the competition in a fair market. Microsoft is simply more successful because it makes better products, and integrates them effortlessly for the user. If Netscape wanted to compete with Microsoft, they should have created their own operating system. Nothing prevented them from doing so. To punish Microsoft simply because they created a successful operating system is wrong, and to impose a sanction that limits the programs that Microsoft can develop as a conglomerate is unconstitutional. If Microsoft wants to give Internet Explorer away with its operating system, it has every right to do so. If another Software company wants to do the same, then may the best products prevail. The bottom line is it is not the U.S. Government's place to determine what is in the best interest of the consumer, that right belongs to the consumer. Microsoft has not forced anyone to use their products; people buy them because they like them. Consumers are the ultimate deciding factor which determines the success or failure of a business. Microsoft's success is a direct result of consumer support. Any action taken against Microsoft is an assault on the freedoms and rights of individuals to be successful and pursue their right to life, liberty, and the pursuit of happiness. Such an action can only be seen as insult to what America has always stood for, freedom.

Sincerely,
Christian A. Provenzo
CC:nprovenzo@moraldefense.com@inetgw

MTC–00025923

From: Jack (038) Dixie Leslie
To: Microsoft ATR
Date: 1/26/02 10:40am
Subject: Microsoft Settlement

TO WHOM IT MAY CONCERN,
ALL OF US GET TO WORK.....IT'S TIME TO STOP THIS PERSECUTION OF BILL GATES AND MICROSOFT.....

JACK AND DIXIE LESLIE

MTC–00025924

From: Rickey Dockins
To: Microsoft ATR
Date: 1/26/02 10:30am
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,
Rickey A. Dockins
San Angelo, Texas

MTC–00025925

From: Howard W Granoff
To: Microsoft ATR
Date: 1/26/02 10:31am
Subject: Microsoft Settlement

To Whom it may concern:

In my opinion this Microsoft thing should be settled as quickly as possible. I say damn the selfish interests who stand in the way of progress and what is good for our wonderful country. Get on with doing whatever is necessary to complete the job and the hell with those selfich rats that stand in the way.

Sincerely,
Howard w. Granoff
Senior Citizen

MTC–00025926

From: Margaret Anderson
To: Microsoft Settlement
Date: 1/26/02 10:29am
Subject: Microsoft Settlement
Margaret Anderson
12861 Telfair Ave
Sylmar, CA 91342
January 26, 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.

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,
Margaret Anderson

MTC–00025927

From: whynotwillie@wekz.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:33am
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 Cook
1303—14th St
Monroe, WI 53566

MTC–00025928

From: Tedd Potts
To: Microsoft ATR
Date: 1/26/02 10:22am
Subject: Microsoft Settlement

US Department of Justice:

What specifically did Microsoft do that was illegal? When one looks closely it becomes obvious that Microsoft's ''crimes'' were: choosing whom to do business with, setting the terms of those business relationships, pricing some products ''too low'', and pricing other products ''too high''.

It is important to remember that we are all producers: at a minimum, we produce manual labor and the thought required to make it valuable. Microsoft did not defraud anyone, so if one argues that government should restrict Microsoft's choices, then it would follow that they would wish government to restrict any producer's choices, once the government decides that that producer is too successful.

Note that Microsoft is a target only because they are successful. If they were the size of Apple Computer they would be left free to make their own choices. So, under present American anti-trust regulations, a producer is left relatively free until the government decides he is too successful, at which time the government begins to limit his success and reward his lesser competitors.

This not the proper use of government power in a free society, otherwise all producers, all individuals, would be at the mercy of arbitrary government decisions regarding the ''proper'' level of success.

That environment would more akin to Communist China's than ''the land of the free and the home of the brave''.

CC:activism@moraldefense.com@inetgw,Don Potts,Dwight ...

MTC–00025929

From: Patricia Schlinkmann
To: Microsoft ATR
Date: 1/26/02 10:31am
Subject: MICROSOFT SETTLEMENT

AS AN ADVOCATE OF FREE ENTERPRISE AND PROUD OF OUR AMERICAN SYSTEM, I URGE THE DOJ TO ALLOW MICROSOFT TO RUN THEIR BUSINESS FREE OF GOVERNMENT INTERFERENCE.

FREE ENTERPRISE IS THE BASIS OF OUR AMERICAN WAY. DON'T GET INTO THE OVER-REGULATING. ALLOW MICROSOFT THE FREEDOM TO BE THE BEST. GIVE THE COMPETITORS THE RIGHT TO CONTINUE COMPETING BUT DON'T DO IT AT THE EXPENSE OF THIS GREAT COMPANY.

PATRICIA H. SCHLINKMAN,
3401 HIGHWAY 90 EAST,
SCHULENBURG, TX. 78956

MTC–00025930

From: Al O'Brien
To: Microsoft ATR
Date: 1/26/02 10:40am
Subject: microsoft settlement
37 Buckingham Drive
Dix Hills, NY 11746
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express support for the anti-trust settlement that was reached between Microsoft and the Department of Justice in November of last year. I would like nothing more than to see this matter put to rest, and settling is the right thing to do for all parties involved.

Microsoft's business operations will be watched over by a technical committee that will ensure Microsoft's full compliance with all of the agreed upon terms. If any independent company has a complaint against Microsoft that company may immediately have its case heard by this committee.

Microsoft will share information with its competitors on Windows, and it will design the operating system so that non-Microsoft software can be built into the operating system. I believe this is sufficient to end this case at this time.

When this settlement becomes final, the strong competition in the industry will benefit consumers by providing more to choose from in the marketplace. The industry will receive a real boost, and this will in turn stimulate America's dwindling economy. I am looking forward to the positive effects this settlement will have on our country.

Sincerely,
Al O'Brien

MTC–00025931

From: kenneth nolde
To: Microsoft ATR
Date: 1/26/02 10:44am
Subject: MICROSOFT Settlement

To Whom it may Concern: I am against continued harrassment of the Microsoft corporation. I believe that the suits brought by the U.S. government is frivilous and not in the best interests of the United States, U.S. consumers, and competition in general. I believe that the USG and the various states should cease-and-desist action against Microsoft, it now is overt extortion.

Dr. Kenneth Nolde

MTC–00025932

From: MIKE SEIKEL
To: Microsoft ATR
Date: 1/26/02 10:44am
Subject: Microsoft Settlement

To Whom It May Concern:

I am in favor of the agreed upon settlement with Microsoft. Let's end this and move on.

Mike Seikel
2604 Echo Trail
Edmond, OK 73013–6732
e-mail: exfed@att.net

MTC–00025933

From: Donald F Fix
To: Microsoft ATR
Date: 1/26/02 10:46am
Subject: Microsoft Settlement

Sirs: Being a Senior the Internet is an important daily occupation. The recent legal settlement with Microsoft and it's competitors seems to be adequate. I feel it is a waste of TAXPAYER money to penalize the AMERICAN way of competition in business,and should end with this settlement. I think there are many other problems affecting we AMERICANS that need to be tended to. Please, help us older AMERICANS, allow us to have our affordable INTERNET!!

Donald Fix
nodx@juno.com

MTC–00025936

From: LRDEX@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:53am
Subject: Fwd: Fw: MSFT Settelment.

In a message dated 1/25/02 9:43:56 PM Pacific Standard Time, sunshinecandle@hotmail.com writes: microsoft.atr@usdoj.gov

——- Original Message ——-
From: ScubaNark@aol.com
Sent: Friday, January 25, 2002 2:38 PM
To: barkeri@3-cities.com; tcox@ctc.ctc.edu; Popcox13@aol.com; ronandcec@msn.com; hagajim@yahoo.com; Rmespinola@aol.com; Neil—Middleton@lambweston.com; RPerez7581@aol.com; sunshinecandle@hotmail.com; samandrosie@home.com; Sandychip@aol.com; springen@concentric.net
Subject: MSFF Settelment.

Following is a letter I am sending to the attorney general in support of MSFT case settlement. If you agree in settlement and would like to forward, following is the Email address etc.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm

January 25, 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 United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit.

This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States.

Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world. Computers are now in virtually every household and bussness in the country.

Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations.

Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle

the case. The settlement agreement the parties negotiated is fairly reasonable.

It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.

Sincerely,

Roger Cox

MTC–00025937

From: ROBIPPO@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft settlement

The United States is the most free country in the world. We can build a better mouse trap, market it, and make lots of money in the process. In the case of Microsoft it did just that; it made better, easier to use computer software, and sold it at a fair price. If Microsoft is made to share its secrets, the public ends up with software that is harder to use and more expensive. This will only hurt the consumer, business and private. The message you are sending to everyone is ''yes, go ahead. Invent something new and improved. Market it and make lots of money—BUT do not get too big, do not make too much money, or the government will force you to go out of business or share your secrets and pay fines. This sounds like a two-year old saying ''I want your toy and I want it now and you have to give it to me because I said so.'' Jealousy? It seems when something works great, is cheap, and the public benefits, the government steps in and forces the issue to break it up. Who loses? I do, along with the rest of the public.

Marianne Ippoliti
e-mail: robippo@cs.com

MTC–00025938

From: Fred Burk
To: Microsoft ATR
Date: 1/26/02 10:55am
Subject: LEAVE MICROSOFT ALONE.

To whom it may concern:

Over the last few months I have asked several of my friends, ''when do you think this present economic turn-down started ?'' They all respond, my stock investments started their big declines when the last administration started the lawsuites.

Microsoft has done not one thing to hurt the ever day P.C. USER ,ONLY MAKE THE P.C. EASY TO USE. YES, there are few FAT cat companies that found it hard to compete with Microsoft. FREE ENTERPRISE AT WORK. IF I am wrong about this, please show me.

Thank you, Fred

MTC–00025939

From: RHINEHT@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement should be approved for this reason:

The Microsoft Settlement is a fair plan that will help the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about growth in technology.

Sincerely,

Carolyn Rhinehart

MTC–00025940

From: caradtke@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft Settlement

While you're busy persecuting a well run honest productive company (Microsoft) the ''foxes are raiding the hen houses'' Enron. Enron have too many political ties to attack them?

Carl Radtke

MTC–00025941

From: Jason Nash
To: Microsoft ATR
Date: 1/26/02 10:56am
Subject: Microsoft Settlement

I would like to voice my concerns regarding the Microsoft and USDOJ settlement:

1. I believe the settlement is fair to all parties involved, possibly too harsh on Microsoft. I am OPPOSED to any additional restrictions or sanctions that may be added to the settlement.

2. I am extremely disappointed with the nine hold out states and I hope every Attorney General in those states lose their re-election bids.

3. The USDOJ should stop pressing companies like Microsoft that innovate and help our economy and go after companies who are true monopolies and damage our economy and consumers. Target No. 1 should be

AOL Time Warner.

Regards,
Jason L. Nash
Toni S. Nash
9472 E Valley Ranch Pkwy
Apt 1057
Irving, TX 75063

MTC–00025942

From: MTMoseley@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:56am
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 Moseley
P.O. Box 451
7685 Rose Lane
Keystone Heights, FL 32656

MTC–00025943

From: Larry R. Staton
To: Microsoft ATR
Date: 1/26/02 10:58am
Subject: RE: Microsoft Settlement

Sirs:

Just to add my two cents worth as a private citizen. I am concerned that the proposed settlement is insufficient in its depth to address all concerns as to monopoly practices. While I believe that Microsoft produces a number of very fine products, I have concerns that this settlement does not go far enough towards eliminating monopolistic marketing practices within the commercial computer/software/operating systems environment.

Larry Staton
Eastlake, Ohio

MTC–00025944

From: Gail Bradbury
To: Microsoft ATR
Date: 1/26/02 11:00am
Subject: Microsoft Settlement

Hello,

I beleive the proposed settlement, will in the end, do little to dissuade Microsoft from continuing to abuse its current market position. It absoulutely has been shown they will stifle any technology that is of any potential threat to them.

Netscape was effectively killed off as just one example. Please send a clear message and impose strict enforceable standards on Microsoft so REAL innovation is not stepped on in the future.

Thanks for your consideration.

Scott Clark
609 W. 35th St.
Austin, Tx 78705

MTC–00025946

From: Eugene D Gray
To: Microsoft ATR
Date: 1/26/02 11:03am
Subject: microsoft.atr@usdoj.gov .

To The Justice Department;

I am sending my strong opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Under the current law the U.S. District Court is to decide whether the settlement is in the ''public interest.'' The consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

A loyal American Citizen,
Eugene D. Gray
P. O. Box 154
Fairmount, IN 46928

MTC–00025947

From: RBeem30483@aol.com@inetgw

To: Microsoft ATR
Date: 1/26/02 11:00am
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,
Randy Beem
PO Box 491956
Redding, CA 96049–1956

MTC–00025948

From: Bob Ketcham
To: Microsoft ATR
Date: 1/26/02 11:04am
Subject: Microsoft Settlement

The proposed settlement with Microsoft represents a failing of the DOJ to do its job. The settlement should be much more than the weak, inconsequential, easy to subvert items proposed.

Microsoft has done much, many times to damage companies and innovation though its monopoly tactics. The current case represents prosecution of only a fraction of the many cases that could have been brought. This was a significant instance of those many cases. They have been found guilty. They are a Monopoly. Because of the cost of bringing this case to trial and conclusion and the likelihood that the cost of further cases will be prohibitive, the punishment for this case should be the maximum allowable. Like stopping Al Capone on Income Tax evasion, this case represents a one time chance to stop major criminal activity.

The current settlement will do little to stop Microsoft's inappropriate approach to business. They will be allowed to continue to ruthlessly damage anyone who dares attempt to compete with them. They will be allowed to continue to do much damage to the industry as a whole. The settlement must be rejected and a more appropriate remedy found. Please stop this travesty and find remedies that aren't a joke. Please remember that the anti-trust laws are designed to protect the many simple citizens like me from the damage done by predatory businesses like Microsoft. I will remember how this administration chooses to balance that scale of justice when I next visit the ballot box.

Thanks for this opportunity to comment.

Robert S. Ketcham
2021 Sandy Coast Circle
League City, TX 77573
Bob@Ketcham.com

MTC–00025949

From: WILBERT E LENNICK
To: Microsoft ATR
Date: 1/26/02 11:04am
Subject: STOP LITIGATING AGAINST MICROSOFT!

STOP THE CONTINUOUS LITIGATING AGAINST MICROSOFT WHICH COMPANY IS HELPING THE SENIORS.

LENNICKWE@juno.com

MTC–00025950

From: Chad P
To: Microsoft ATR
Date: 1/26/02 11:06am
Subject: Microsoft Settlement

To whom it may concern:

It has been my experience that politicians and bureaucrats frequently need issues illustrated in a political, economic or legal perspective context rather than appealing to a sense of common good or other such idealisms.

Dealing with Microsoft harshly is your chance to show that regulators are not swayed or pressured by well-financed lobbying and shady spin doctoring. This is your chance to punish an arrogant company that uses Enron-like strategies to keep its position.

Right now, the Enron campaign contributions and political efforts reflect poorly on government.

Microsoft is also a very politically active and influential corporation. In light of the public's perception that Enron bought political favor, it would be a great step to re-instill faith in the institutions charged with overseeing our free market if those in power acted effectively and decisively against Microsoft.

I am in favor of either a breakup of Microsoft and/or the release of some of their key source code to the public at large. The latter remedy will no doubt positively effect the Windows Operating System and result in some true innovations.

Regards,
Chad Prukha
an IT Operations

MTC–00025951

From: Scott Newell
To: Microsoft ATR
Date: 1/26/02 11:07am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing in response to the proposed MS Monopoly settlement. It does nothing to prevent future bundling of software, as they have already begun with their media player.

Microsoft has already shown contempt for previous judgments, and unless this one has a little more teeth, they will continue to illegally crush their competition and rob their customers (i.e. Most people and businesses.)

Scott Newell

MTC–00025952

From: bbrunwin@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:09am
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,
HERBERT BRUNWIN
266 ENCANTO AVE
PISMO BEACH, CA 93449

MTC–00025953

From: Fred Thorn
To: Microsoft ATR
Date: 1/26/02 11:13am
Subject: Microsoft Settlement

First, it was Hillary redesigning our health care according to Marx;

Then, it was Janet Reno selecting our browser for us (even tho she didn't know beans about the subject)

Now, it's various politicians redesigning our autos to make them more ''politically correct''.

Beans again!

I have used both browsers for five years without any difficulty in selecting one over the other....despite not being a computer ''nerd'' but rather a 75-year old layman, with just enough knowledge to know which hole to punch on a ballot: (R)

Our computer industry has brought us better and faster service at a less and less cost; unlike the states'' track record of more and more taxes.

It is just a money grab not unlike the tobacco wars.....only this time our whole economy is at risk.

Fred & Joyce Thorn
2731 St. Cloud Oaks Dr.
Valrico, FL 33594
(813) 689–8989

MTC–00025954

From: joebash
To: Microsoft ATR
Date: 1/26/02 11:14am
Subject: Dear Sir:

Dear Sir:

Why on earth would the clinton Administration & Justice department find it necessary to destroy one of the most productive employer in the United States. All because of some whiney competitors who can't make it without the help of the most corrupt group of politicians in our long history. Leave Microsoft alone and maybe it will give the country a good boost out of the clinton inspired recession. There are plenty

of real problems for Washington to deal with. Why not get on with the building process.

Joe & Betty Bannan

CC:joebash@msn.com@inetgw

MTC–00025955

From: Dan Barthel
To: Microsoft ATR
Date: 1/26/02 11:14am
Subject: Proposed Microsoft Settlement

Sirs,

I believe that the proposed settlement agreement between Microsoft and the DOJ is woefully inadequate. Having been found guilty of major antitrust violations, concrete sanctions and proactive remedies need to be applied. My suggestions are those of a technologist, not a lawyer. These views have evolved over years of frustration trying to build cross platform applications for Windows and the Macintosh. After years of working with Microsoft, I am certain that they will never willingly comply with the following suggestions. Thus, these sorts of concrete remedies must be imposed by the court.

1. The ruling specifically mentioned Microsoft's predatory behavior regarding Java, Netscape Navigator, and Apple Quicktime, and for that matter the Real Player. An appropriate remedy would be to have Microsoft ship each of those products as supplied by the originator of the package with every copy of the Windows operating system. An example of Microsoft arrogance was the unilateral decision to stop shipping Java with Windows XP. There was no technical reason to do this, but the business reason was to again cause disruption and frustration at the consumer level for easy access to non-Microsoft technologies. The rational for this suggestion is having caused harm, repair the harm.

2. Microsoft must supply all current and past file formats for their layered applications to anyone who requests them. These formats should be documented fully so that independent developers can access the binary data for Microsoft Office and all other applications which use a proprietary file format. Microsoft should be specifically prohibited from removing backward file compatibility to existing file formats as a means of insuring interoperability. Any proposed changes must be made publicly available at least six months prior to release of products incorporating these changes.

3. Microsoft must supply documentation to all wire protocols for access to system functions, including, but not limited to: SQL Server, Message Queue, Transaction Server, Directory Services, and File Sharing. These protocols must be made freely available to anyone. Any proposed changes must be made publicly available at least six months prior to release of products incorporating these changes.

4. Microsoft must be ordered to comply with, and not extend, W3C standards. Browser features not part of the W3C XML, XSL, HTML and DHTML specifications must be removed from current products. This point is extremely important, as abuse of standards in this area was used effectively by Microsoft to win the browser war with Netscape. Microsoft has also demonstrated the ability to inhibit interoperability with the changes made to the open Kerbros standard, and with ''creative'' changes to the SQL-99 standard. This is one of Microsoft's favorite tactics to close doors of interoperability.

5. Microsoft must be ordered to implement comparable and compatible feature sets for cross platform products. In particular, the IE browser for the Macintosh must be improved to the full feature set of Windows-XP.

6. Access to source code must be granted to all, particularly the open source community, not a select few as is the case in the proposed settlement. As written, the current agreement will allow Microsoft to remain a king maker with selected partners.

7. Microsoft should be forced to drop all partnerships and alliances with other companies. All companies must have equal access to Microsoft technologies. Early access of information, if available, must be made available to all interested parties. Non-disclosure information to 3rd parties should be prohibited, and made freely available to all.

8. Volume discounting should be prohibited. One price to all. Period, the end.

9. Bundled pricing should be prohibited. Office should cost the same, with or without a computer or operating license purchase.

10. Competitive upgrade pricing should be prohibited for all Microsoft products, even those that do not enjoy a monopoly position, as simple branding of any Microsoft product implies the monopoly.

11. Beta testing of new products must be made available to anyone who requests participation.

While these suggestions may seem highly technical, they are the kinds of things that can enable competition in the computer community. They are a) concrete, b)open access to all, particularly the open source community, c)encourage and enable the cross-platform interchange of information, d) enable the community at large free access to the data they own, now locked up inside proprietary file formats.

The current settlement relies on Microsoft's willing compliance with the proposed terms. In the past, Microsoft has proven itself adept at stepping through loopholes with great ease. What we need are concrete actions to open access to the technical information required to interoperate successfully with Microsoft products so that innovation and completion can take place. It is easy to judge compliance with the suggestions above. Microsoft should be found in violation if any of the above suggestions are not complied with in a very tight time period, as delay of information is effectively denial of information in this industry.

Microsoft will argue that no other company has to comply with these terms. But no other company has been found guilty of serious antitrust violations. And, as an interesting aside, many companies, Sun, Macromedia, Adobe, Apple, and others, already offer the kinds of access to technical information proposed above. These are not wild haired suggestions, but suggestions that already work.

Hopefully, you lawyers will get some solid technical input before letting Microsoft sneak out the door unfettered to develop in secret, change standards at will, and continue to frustrate interoperability. As to the pricing remedies, it is hard not to see the benefit of one price to all, one relationship with everyone.

Regards,

Dan Barthel

dan.barthel@gsbalum.uchicago.edu

941–389–5610

MTC–00025956

From: Judy Sawyer
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: microsoft settlement

I believe Microsoft and the D.O.J. has reached a settlement and Time Warner, Napster, and the 9 states left in suits do not have the consumers in mind at all while continuing these frivolous law suits. They have a angry desire to'' tear the heart out of Microsoft'' as one Red Hat supporter wrote. This will all cost the consumer in the latest soft ware that could be developed. and higher prices. Time Warner and AOL just went up on our cable bill last month from $54.00 to $64.00. Please bring us closure on these ridiculous law suits Judge.

Thank you,

Jennifer Brunson

E-mail Jenobby@juno.com

MTC–00025957

From: jbrasovan@houston.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:15am
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,

Jane Brasovan

38 Quiet Peace Place

The Woodlands,, TX 77381

MTC–00025958

From: Preston Sanders
To: Microsoft ATR
Date: 1/26/02 11:18am
Subject: Microsoft Settlement

I am in favor of it because it will help us seniors.

MTC–00025959

From: John Cowan
To: Microsoft ATR
Date: 1/26/02 11:18am

Subject: Microsoft Settlement
613 Navarra Drive
Scotts Valley
CA 95066
Hon. Colleen Kollar-Kotelly,
U. S. District Court
Washington DC

Judge Kollar-Kotelly,

I am very disappointed with the settlement agreement the Justice Department has negotiated with Microsoft Corporation. It does practically nothing to constrain Microsoft's anti-competitive practices. I am particularly concerned about the provisions that require Microsoft to make public its Application Program Interface (API) and the one that prohibits Microsoft from penalizing customers who resell software from other vendors. This excerpt from an article by James Mathewson in the January 2002 Bay Area Computer User Magazine describes the problem better than I could: ''Actually, the settlement codifies the legality of Microsoft's predatory practices. What it takes away with one hand, it gives back with the other, and then some. For example, it does force Microsoft to share its Application Programming Interfaces (APIs) with the competition. But it also forces those who use the APIs to share their finished code with Microsoft. The result is that Microsoft would see all of its competition's trade secrets and easily replicate them. Or, though the ruling ensures that Microsoft competitors be allowed to get their icons on PC desktops, the clause only applies to companies who have sold more than a million copies of their software in the United States. The very companies who need a competitive advantage in this case can't get it.

''And these two qualifiers are indicative of the whole agreement. The clincher: Microsoft would be barred from terminating a PC vendor's license agreements because the vendor cooperated with one of Microsoft's competitors. But it could still terminate the agreements, because if it did, the vendor would have to take it to court for violating the antitrust provision. How many small clone shops can afford to fight Microsoft in court? If the government ran out of money trying, not even Dell would fight Microsoft for the ability to put a Quicken icon on a Dell desktop.''

I ask that you please require Microsoft to publish its APIs on a public web site so it is available to all, that you require Microsoft to allow all its customers to put whatever icons they wish on the desktop and that you require Microsoft to sell its operating system products to all buyers without penalty, regardless of whatever other business arrangements they make, and without the need to bring suit.

Thank you.
Sincerely,
John F. Cowan
jfcowan@pacbell.net

MTC–00025960

From: charles varano
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: John Aschroft

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General and carbon copy it to your Member of Congress. We believe that it is essential to let our elected officials know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

Carbon Copy:
Rep. Spencer Bachus
Fax: 202–225–2082

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm

The letter follows:
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you as a Microsoft supporter to urge you to help support the recent settlement in its current form. The many concessions that have been made by Microsoft include changes in licensing changes, marketing requirements, and even design restrictions. It is obvious that Microsoft is working toward bettering the entire IT sector. Let us help them do so by helping this settlement move forward. As our economy goes under some strain, it is important for us to support all of our technologies in order to maintain our position in the global market. By delaying an agreement such as the Microsoft settlement, we slow down the advancement of our IT sector and tie up their time in litigation. This is not what we need in the technology industry during a time of recession. Let us make sure that there is no more actions taken against this well thought out settlement. Let the terms speak for themselves and allow us to better help the consumer, the technology industry and our economy as a whole.

Sincerely,
Charles Varano
195 Calumet Drive
Birmingham, Alabama 35242
cc: Representative Spencer Bachus

MTC–00025961

From: Christian Skeem
To: Microsoft ATR
Date: 1/26/02 11:15am
Subject: Microsoft settlement

To Whom It May Concern

As a layman, I find it absurd that such an obvious case of ''dumping'' and anticompetitive behavior has not met with the severest form of punishment. If there is to be any lesson drawn from this expensive and exhaustive process, at this point the government seems content with letting it be ''if you're rich enough and powerful enough, just let us slap your wrists and be on your way''! And please, just because a judge used poor judgment (pun intended), is no reason the U.S., nay the WORLD consumer should be punished and left without choice.

I admit to not knowing the fine points of the laws regarding monopolies and anticompetitive behavior, but it doesn't take an expert or a genius to figure out that if you use your leverage and your money to give an expensive piece of software away ''free'' (i.e. Internet Explorer), you are going to drive your competition (i.e. Netscape) out of business without much of a fight.

The internet is too important an arena to allow someone so blatantly anti-democratic and opportunistic as Bill Gates become (remain?) the dominant force.

ACT NOW! Appeasement of tyrants is rightly a concept consigned to infamy.

WAKE UP! When it's so obvious to a layman that the EMPEROR (the government) HAS NO CLOTHES! you may be able to sleep through this round, but this will come back to roundly bite us all in our collective naked ASSES!

DO SOMETHING!
Christian Skeem
1919 West Bradley Place
Chicago, IL 60613
773–832–4696
christian@susanins.com

MTC–00025962

From: Warren Bryld
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: Microsoft Settlement

Dear Mr. Ashcroft: I am writing to express my support for the settlement your office reached with Microsoft in November in regard to its ongoing antitrust litigation. I feel that enough government and taxpayer money has already been spent, and Microsoft should be able to get back to business.

I am familiar with the terms of the settlement, and they are a reasonable way to bring the case to a close. Disclosing unique Microsoft programming codes will better equip competitors to develop programs that operate smoothly within the Windows system, and providing users with new options to remove different programs and replace them with competitors'' versions will leave everyone with more freedom of choice.

The settlement was reached in November, so I urge you to end the case with no further delay. The government should comply with the terms it agreed on with Microsoft. Not doing so would fly in the face of being honorable and upfront—two things that the government claims were reasons for bringing a suit against Microsoft in the first place.

Sincerely,
Judy Bryld

MTC–00025963

From: Ardith Brown

To: Microsoft ATR
Date: 1/26/02 11:20am
Subject: ''Microsoft Settlement''

It is time to end this stupid law suit. Lets settle this now. The only people that are interested in not settleing this is the attorneys who are making all the money. Let Microsoft get on with its business.

Ardith Brown
17106 E. LaPasada
Fountain Hills, AZ 85268

MTC–00025964

From: cram@fastq.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:20am
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,
Joella Cramblit
2 Regent Wood road
Northfield, IL 60093

MTC–00025965

From: r-a-l
To: Microsoft ATR
Date: 1/26/02 11:21am
Subject: Microsoft Settlement

The terms of the antitrust settlement between Microsoft, the Department of Justice and the nine states is fair and equitable to all parties.

It is now time to move forward.

Sincerely,
Robert Laczko
1234 Naranca Avenue
El Cajon, CA 92021

MTC–00025966

From: DenverD
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 11:24am
Subject: hurting in Denmark

I'm just a little user that is STILL hurt every single day in Denmark because of Microsoft's aggressive and illegal practices since 1987..

for example:

—in 1994 i bought OS/2 Warp version 3 and was one click to the internet a year before MS got there (with the release of Win95)..

—that version 4 (which was cheaper than Win95 or 98) remains stable, usable and just fine for almost everything i need, EXCEPT when i try to go to almost ANY web site inside Denmark with my Netscape Explorer browser.....it just will NOT work with (for example) my bank <http://www.nykredit.dk/bank/> the bank has a full service, on-line facility written entirely for MS Internet Explorer ONLY....I asked about that problem to my friendly bank man and the OFFICIAL company policy is: 99% of our customers use Internet Explorer and we will NOT support any other..

how did it get that way? MS sold ''Front Page'' at give away prices...an HTML authoring software pack deliberately crafted to produce web sites which will not work with Netscape AS SHIPPED..

find a Dane in the DC area and ask them to check out Denmark's web sites with ANY non-Microsoft browser except Opera (which was designed from the ground up to TRY to keep up with MS's constantly changing tricks)..

DenverD
A Texan in Denmark
www.Texan.dk

MTC–00025967

From: Johan Lotter
To: Microsoft ATR
Date: 1/26/02 11:25am
Subject: Microsoft

MTC–00025967–0001

In the spirit of full disclosure, I own Microsoft Stock. The Justice Department action against Microsoft, started by the corrupt Clinton administration, has cost me a great deal of money in my retirement funds. I shall remember the great and wasteful injustice done against this wonderful company forever and I shall vote against any politician who did not actively come out in support of Microsoft on the day your suit was first filed. I use Microsoft products whenever they are available, because they are, in a word, superior. Most of the other stuff simply does not work as well. I have actually purchased some of the Microsoft competitors'' products and ''thrown them away in disgust'' because they did not work as well as they should. I was opposed to the entire law suit against Microsoft. I felt it was brought by a bunch of ''whiners'' who were unable to compete on design, execution and service. I think Microsoft should never have been prosecuted, however, if Microsoft finds the settlement ''acceptable'', that should be the end of the story. I want you to cease and desist in your persecution of Microsoft. I believe my attitude is typical of vast numbers of US voters.

Put an end to this nonsense!

—Johan Lotter
—Iotteract@earthlink.net
—EarthLink: The #1 provider of the Real Internet.

MTC–00025967–0002

MTC–00025968

From: Paula Tyndale
To: Microsoft ATR
Date: 1/26/02 11:26am
Subject: Microsoft Settlement

I think that the proposed settlement in the Microsoft case is a really bad idea.

Paula Tyndale
718 CR 2415
Eureka Springs, AR 72632

MTC–00025969

From: peter dunn
To: Microsoft ATR
Date: 1/26/02 11:27am
Subject: Dear Attorney General Ashcroft,

Dear Attorney General Ashcroft,

The Government's settlement with Microsoft must be approved to bring this case to a close. It is in the best interests of everyone involved. This settlement is opposed by certain interests that I believe are for self-serving reasons. After 3 ½ years it is time to end this.

Peter A. Dunn

MTC–00025970

From: Ben Larsen
To: Microsoft ATR
Date: 1/26/02 11:26am
Subject: antitrust

Please break up the Microsoft monopoly to ensure a productive future in computing.

Thanks.

Ben Larsen
Salt Lake City, Utah

MTC–00025971

From: David D'Souza
To: Microsoft ATR
Date: 1/26/02 11:27am
Subject: Microsoft Settlement

The Microsoft & DOJ Settlement needs to go through. A compromise has been reached by a majority of the stakeholders and I encourage the DoJ to support it. There is no need for the government to preserve the uncertainty on this matter. As we all know, solutions are never appealing to everyone but this one sets a fair balance for both sides.

Thanks
David D'Souza

MTC–00025972

From: Howard D. Watkins
To: Microsoft ATR
Date: 1/26/02 11:31am
Subject: settlement

THEY CAN NEVER REPAIR THE DAMAGE TO GEOS WORKS . I WANT MY GEOS WORKS BACK! I SHOULD NOT HAVE TO BEG FOR A SIMPLE SOLUTION TO MY NEEDS.——H E L P———!!!!!?????

HOWARD D. WATKINS
w8hwd@yahoo.com

MTC–00025973

From: Rmillerpmiller@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:32am
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,
Ray Miller
4111 W. Arrowhead Rd.
Duluth, MN 55811

MTC–00025974

From: Bob Blackburn
To: Microsoft ATR
Date: 1/26/02 11:35am
Subject: Microsoft settlement

We find it very hard that you have not been able to do the right thing and allow Microsoft to get on with it's business of making America the top of the world in technology.

You realize that our whole economy started down the tube when the justice department started the witch hunt started by Senators who had tech companies in their states and those companies could not stand the fact that another company was better at their business than they were. We do not believe that Microsoft should be broken up nor should it have any kind of a harsh ruling as that again would severly affect the economy and hurt many of us who have been hurt already from the downturn of the economy. We felt that the agreement that Microsoft and the DOJ came to earlier was a fair one for all concerned.

Pat and Bob Blackburn

MTC–00025975

From: Steven J Spain
To: Microsoft ATR
Date: 1/26/02 11:34am
Subject: Microsoft Settlement

For years, Microsoft developers have pushed harder and harder to create new and better experiences for end users. As an independent software developer and student of Management Information Systems, my current station depends on Microsoft; if not for the advances brought by Microsoft, I would not be pursuing a career path I find so satisfying. Microsoft corporation has done so much to bring computing to the masses and to improve the lives of so many people that I, as a consumer, cannot find any way in which they have harmed me. I do not see where any violations of antitrust law were actually damaging to me. Please accept the proposed settlement in the interest of putting this lawsuit behind us and ending the expense of taxpayer dollars on it. Thank you.

Steven J. Spain
sjspain@juno.com

MTC–00025976

From: Brian Peterson
To: Microsoft ATR
Date: 1/26/02 11:42am
Subject: Comments on US vs MS

It's my opinion that the govt should get this thing over with and goes with the terms of the settlement.

I still do not believe the Govt understands the new playing ground in the world of Technology and is applying OLD and ARCHAIC practices to an area so dramatically different than anything we've ever seen as related to business in the past. This is a typical case of force fitting just because this is the way we did things in the past. A lot what has happened here is due to the fact the Good Old Boys in Washington are so obviously out of touch and are unable to grasp new concepts and realities.

I am especially UPSET with AOL/Time-Warner's ''SOUR GRAPES'' attitude being taken seriously in the first place. They are upset that they AREN'T GETTING THEIR WAY —-THAT IS HAVING IT ALL FOR THEMSELVES. They only have themselves to blame because they didn't listen to their customers and therefore produced products such as AOL and NETSCAPE that are just INFERIOR PERIOD. In my mind the US govt should start action against AOL/Time-Warner for trying to do what they claimed Microsoft was doing. I believe AOL/Time -Warner are truly trying to monopolize the internet and data streaming (music sites in particular) and force people to use their inferior and inadequate products systems like AOL and NETSCAPE. I personally never chose AOL because it was obvious to me what they were doing early on and I selected local ISPs for my internet access as my own statement. This is a good example of a megaforce like AOL/Timer-Warner using their MEGABUCKS to get influence and power in govt to get their way —- and when money gets involved its amazing how our govt reps cave in and do their bidding. I personally do not buy anything connected with AOL/Time-Warner because I believe they are corrupt. I own no Microsoft stock or Aol stock so I HAVE NO VESTED INTEREST IN EITHER. I call it the way it looks.
RECOMMENDATION: INVESTIGATE AND START LEGAL PROCEEDINGS AGAINST AOL/TIME-WARNER ASAP!!!!!!!!

I FOR ONE WILL CONTINUE TO BUY MICROSOFT'S PRODUCT AS A SHOW OF SUPPORT FOR THE WHAT THEY HAVE DONE IN THE PAST AND FOR WHAT THEY ARE TRYING TO DO WITH TECHNOLOGY AND BUSINESS IN THE FUTURE.

MTC–00025977

From: pcarnagey@axs.net@inetgw
To: Microsoft ATR
Date: 1/26/02 11:37am
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,
Pete Carnagey
18283 Highway DD
Everton, MO 65646

MTC–00025978

From: Joe Carroll
To: Microsoft ATR
Date: 1/26/02 11:40am
Subject: Microsoft Settlement

Though I'm not a big fan of Microsoft practices, I am a fairly content business user of microsoft products. I cannot fault Microsoft for trying to make money as I do the same 6 days a week. If a company is forced to make their product serviceable or standardized or even priced by what the court orders, we have diminished the basic American freedom and right to pursue happiness. Though I don't care for some of the Microsoft policies, I don't run the company and don't have to pay their bills. No one put a gun to my head when I bought the products.

I am a mechanic by trade. I own an auto repair facility. Will I soon be forced into a pricing structure and way of doing business that is determined by court order? Will all the incompetent shadetree mechanics of the world unite and try to control my right to pursue happiness?

Though it's not a popular opinion, I fully support The Microsoft position. Bill Gates my be the richest man in the world but that does not obligate him in any way to share with me any more than I would feel obliged to hand over my account records or earnings to a hobo who's jealous of my position. If I don't like the Microsoft products or their policies, I don't have to buy the product. I can and did actually survive for many years without a computer. There are alternatives out there. Windows is not the only OS out there. I've tried them all; UNIX, Linux, Free BSD, Solaris, PC-DOS, and the list goes on. In the end I still chose windows because overall, It is a superior product. There are choices out there but they just don't measure up. Why should Microsoft be punished for ''building a better moustrap''?

Joe Carroll
joe@newperf.com

MTC–00025979

From: CPelleg227@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:40am
Subject: A Microsoft Public Opinion

Dear Lawmakers,

Please allow Microsoft to go on with building the nations economy. Microsoft has done the public a GREAT SERVICE by standardizing the method in which we use software. Through the Windows format we are able to add numerous software programs without the added cost and memory space of having multiple foundation systems for the software to run on. This has simplified the process for the software developers as well by enabling them to build onto windows rather than including bulky basis data with every program.

Some reform may be deemed necessary, but let's work it out and get the forward progress of this great nation back on it's feet again...ASAP.

Thank You for your consideration,
J Pellegrini and C Pellegrini

MTC–00025980

From: Leta Hawn
To: Microsoft ATR
Date: 1/26/02 11:42am
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of the settlement reached in the Microsoft antitrust case. It is time to put this matter behind us and get back to business. I, personally, did not support the initial lawsuit. I think Microsoft's competitors were using the legal arena to try and cripple their most innovative rival. We complain about the economic slowdown but hamstring the one company that is most responsible for much of our economic vitality over the past decade.

Further, I understand that Microsoft has been more than accommodating with regard to the demands from the Department of Justice. Microsoft has agreed to allow computer makers to ship non Microsoft product to a customer; Microsoft has agreed to a uniform price list; Microsoft has agreed to disclose their internal source codes. This is way more than I believe any other firm would be willing to do.

I urge you to give your approval to this agreement.

Sincerely,
John Hawn
211 Windemere Point Drive
Mount Gilead, NC 27306

MTC–00025981

From: Barbara MacArthur
To: Microsoft ATR
Date: 1/26/02 11:45am
Subject: Microsoft settlement

It is time for this ridiculous attack of Microsoft by our own government to end. Microsoft Corporation has created and helped create a huge industry that has benefitted millions of Americans. I consider it senseless to attack a successful AMERICAN company that has greatly increased the prosperity of Americans and the American economy. As a consumer and an American, I am in full support of competition in the market place without government deciding who shall compete. This action brought by Clinton's Justice Department has wasted public funds in order to take sides in something that should be left to the market place. It's time to end it!

Barbara MacArthur
Vacaville, CA
rimac@quixnet.net

MTC–00025982

From: Marilyn Braiger
To: Microsoft ATR
Date: 1/26/02 11:46am
Subject: Settlement

I have sent my letter to the fax number given in your memo. Good luck!

Marilyn Braiger

MTC–00025983

From: ericroush@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:45am
Subject: Microsoft Settlement

The proposed settlement is inadequate. Microsoft is not sufficently punished for its misdeeds or sufficiently restrained from future anticompetitive action.

Yours truly,
Eric Roush
peroush1@earthlink.net

MTC–00025984

From: Rhmcclure@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:43am
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,
Roy McClure
1069 Broad Ave North
Naples, FL 34102–8104

MTC–00025985

From: Mike May, S.J.
To: Microsoft ATR
Date: 1/26/02 11:43am
Subject: Comments on proposed Microsoft Settlement

Having reviewed the relevant documents, it is my opinion that the proposed settlement in the case of the United States of America v. Microsoft Corporation is not in the public interest. I base my opinion on a number of considerations:

1) The settlement gives the impression that the rich and powerful, even when found guilty, can avoid paying the fair consequences of their guilt, simply because they have the resources to appeal. I note that the federal court found that Microsoft systematically violated the anti-trust laws of the United States and of several individual states. This violation came even though Microsoft had previously entered into a consent decree on anti-trust issues. The appeals court upheld that finding. Given that background, the public interest requires that any final disposition of the case include the legal verdict that Microsoft is guilty, and that Microsoft either acknowledge its guilt, or agree that it will not contest its guilt on these matters in any legal forum.

2) The settlement can only achieve its stated goals if either the government intricately involve itself in technical business decisions, or if Microsoft can be trusted to make routinely make subtle interpretations against its strategic interests to promote competition.

The settlement has a myriad of provisions that are open to wide interpretation in implementation. To mention two specifics, deciding if an API is related to security and deciding if a business decision constitutes retribution are both decisions that routinely need to be made for the settlement to be effective.

It is to be noted that the main reason the government gives for entering into the consent decree is that Microsoft will take all possible appeals to decisions it views as contrary to its interests. Past behavior indicates that this is true. It is unreasonable to expect such deeply ingrained behavior to change with the filing of a decree in which Microsoft still contends it has done nothing wrong.

The length of the current legal proceedings show that government oversight of whether Microsoft's business decisions are anti-competitive will be inefficient at best. Furthermore, as a matter of policy, the government should try to avoid remedies where it needs to involve itself in day to day business decisions. Thus it should avoid relying on behavioral remedies unless it has reason to expect questions of compliance or non-compliance will routinely be settled in a non-contentious manner. Given the history of this case, structural remedies are clearly called for.

3) The settlement does not address the issue of substantial advantages Microsoft acquired through a an extensive pattern of illegal activity.

The Federal Court found, and the Appellate Court upheld, that Microsoft has illegally extended and protected its monopoly through anti-competitive practices. In doing this it has harmed consumers and competitors and has gained profit and an even more dominant competitive position. The public interest requires that at least some of the illegally gained advantage be relinquished.

To give a context for my remarks, I am a private citizen, not employed by Microsoft, any of its competitors, or any government. I do not have stock or other financial interests in any party to the case.

Sincerely,
Mike May, maymk@slu.edu
CC:Mike May S. J.

MTC–00025986

From: Henry W. Tyler
To: Microsoft ATR
Date: 1/26/02 11:47am
Subject: Fw: Microsoft Settlement

Competitors have no right to property owned and created by another Company. The Government has no right to take this property and give it to another Company. I founded and own a software systems company, we have customer and competitors, I don't expect the Government to steal my assets.....I hope the States forget their political agenda and drop any further action.

Henry W. Tyler
13 Bellevue Dr.

Treasure Island, Fl. 33706
htyl@tampabay.rr.com
727–367–7809

MTC–00025987

From: msteinb1@nycap.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:44am
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 campaign against Microsoft. Microsoft's success is based on its marvelous work ethic. Netscape used to be a much better product than Internet Explorer, but after long hard work, Microsoft has improved its product. It is now the best, and fully deserves a place on the desktop. The attack on Microsoft is an attack on hard work and success. It devalues entrepreneurship and depresses the stock market. It is an attack on our economy. Please stop.

Sincerely,
Mark Steinberger
29 Woodstead Rd.
Ballston Lake, NY 12019–1624

MTC–00025988

From: Gignilliat@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:52am
Subject: Microsoft

Dear Attorney General Ashcroft:

Though I did not receive the draft letter from Microsoft (probably deleted it not recognizing what it was) I will attempt to put into my own words what I think about the case.

I am a small stock holder, a retired illustrator, 74 years old. I own an equal number of shares of Microsoft and Sun Microsystems, but am glad to see that Sun's shares have suffered even more than Microsoft's, because I believe Scott McNeely set out to organize all the other less successful companies to try to destroy Microsoft because of his own exteme envy of Bill Gates.

I believe Bill gates has benefited the entire world more than any other person in history, including Andrew Carnegie. Of course, he has been competitive. That is the way of a Capitalist country. I doubt if any of the critics would have done less if they could have. As I understand it, the anti-trust laws were created to protect the public from monopolists being able to raise prices to the public. Microsoft has not done this. Nobody in the public has been forced to buy a Microsoft product. They have done so, because of the creative innovation of Microsoft's products.

The Judge who ordered the breakup of Microsoft was obviously prejudiced, so it went to the Appellate court which has handed down a less severe punishment, which Microsoft has agreed to.

Why all the states are suing, I don't understand, unless it's simply greed, and now Europe is trying to cash in on it, too.

At this point we certainly shouldn't be trying to destroy argueably the best company in the country. Will competitors next go after Dell, because Michael Dell built a better mousetrap?

I read that China's economy did better this past year than any other country's, and bought more computers than any other country. We have far more to fear from China's becoming the next greatest superpower in the world, than our most successful companies.

Thank you for your consideration of my opinion,

Respectfully,
Elaine Gignilliat

MTC–00025989

From: Mary (038) Steve
To: Microsoft ATR
Date: 1/26/02 11:52am
Subject: Microsoft settlement

I believe the settlement reached with microsoft is fair and should not be further pursued.

Mary Satterwhite

MTC–00025990

From: J. Jentink
To: Microsoft ATR
Date: 1/26/02 11:54am
Subject: Microsoft Settlement

The proposed settlement is BAD, BAD idea!!!

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. NOTE: The drying up of venture capital money and the greed of the investment bankers lead to the unsustainable tech market and crash.

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, orignal email sent with wrong Subject line.

J. Jentink

MTC–00025991

From: Dwwender@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:53am
Subject: Microsoft Settlement

I urge you to settle the suit in favor of Microsoft so that we can move forward, not backward. Microsoft's contributions to communication and technology and the world need to be recognized so that this country can go forward.

Diane Wender

MTC–00025992

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 1/26/02 11:55am
Subject: DOJ: It is my opinion that the DOJ should end this anti-trust action

DOJ: It is my opinion that the DOJ should end this anti-trust action against Microsoft and settle this case now in the interest of fairness and the U.S. economy.

Jeff Graber

MTC–00025993

From: Elliot Scott
To: Microsoft ATR
Date: 1/26/02 11:56am
Subject: Microsoft Settlement

In relation with the current matter:

I have a number of questions and comments about the proposed Technical Committee (TC) and the Internal Compliance Officer that is mentioned in the proposed final judgment for the United States v. Microsoft Corporation case. These questions concern the qualifications and responsibilities of the TC as mentioned in Section VI dealing with the compliance and enforcement procedures.

The requirement of not allowing the any member having worked with Microsoft or its competitors no longer than a year ago does not appear to be logical for the first members of the TC. This is because the complaints occurred during 1998 concerning activities of the Defendant in 1996. While I do not expect the requirements to force the TC members to not have any history with Microsoft and/ or its competitors for the last 5 years, I would believe that a revision to the judgment to consider a background check to more

carefully choose candidates that are not involved with Microsoft and/or its competitors for a minimum of two to three years. Such a revision to the final judgment would allow the members of the TC to provide a more unbiased perspective of the Plaintiff during his/her term of stay.

The TC should also be required to take notice of all activities and provide a report of findings and information to be stored in a secure location of the member1s discretion. While this can be assumed as part of the judgment, it was not stated in the proposal. By adding a responsibility to loosely monitor the Compliance Officer and its staff, if any exist, and write a history report of complaints filed by logs of the website the Compliance Officer is to create. This log history report should also include a monthly to yearly review of the compliance officer that is appointed by the Plaintiff who monitors all complaints filed either by the website or through other sources. This would provide a balance of power between the responsibilities of the TC and those of the Compliance Officer. This would provide a greater margin of safety from possible mismanagement of the Compliance Officer.

Under Section V.B concerning extension of the final judgment due to systematic violations, the extension should not be limited to one-time extension of two years with possible relief. If it is proven that the Plaintiff has digressed from the judgment, the Plaintiff should be required to continue for an extension of up to three years with necessary relief, with the possibility of a following two year extension with possible relief afterwards if digression continues. This suggestion reflects the fact the Plaintiff practiced anti-trust activities for a period of several years against a number of competitors. Modifications of the final judgment may be necessary in order to stay up to date with the times.

Sincerely,
Elliot Scott

MTC–00025994

From: Bill R Bartz
To: Microsoft ATR
Date: 1/26/02 11:55am
Subject: microsoft settlement

Hi, I just want to add my few cents on this matter. The MS operating system SHOULD be a ''stand alone'' system. There should not be any other programs that ''come up'' with the operating system. When other applications are imbedded in the OS, it is extremely difficult for others to write good programs that are reallly fully compatible. It only takes a fraction of a second, given todays CPU speeds, to bring in another application. Please make the OS a stand alone system. Thank you. PS I'm retired, and have no ''skin'' in this, other than being a frustrated user.

Wm. R. (Bill) Bartz
977 Arnold Way
San Jose, CA 95128
408 971 8928 fax 408 971 8267
email-BBMFG@Juno.com

MTC–00025995

From: John K. Hillman
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement.

I want to express my support for the proposed settlement. In my opinion it is best for Senior Citizens and the consumer. It is time to end all the litigation that has been costly and going on far too long.

John K. Hillman
khillman@bellsouth.net

MTC–00025996

From: Zdenek Becka
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to register my concern over the proposed Microsoft settlement. I am concerned that this settlement does not ensure that Microsoft will in fact document its operating system APIs to Independent Software Vendors in the same manner as it does to its own Application Developers. Microsofts ability to include significant application components as part of the operating system makes me wonder how ISVs will be able to compete. Lets face it. MS makes good applications. I use them everyday. But much of the code is included in the operating system. When ISV applications are compared to MSs they appear to consume significantly more resources and so on. If ISVs are allowed to use those same OS/Application APIs, then we will all benefit.

Thank you for listening to my concerns.

Zdenek Becka
5238 Sherrier Place NW
Washington, DC 20016

MTC–00025997

From: millage5@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:56am
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,
Angela Millage
4022 W. Mesa Street
Battlefield, MO 65619

MTC–00025998

From: Orderz@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

It has been long enough, no, too long, in the courts. The terms and conditions are fair for all concerned. SETTLE IT! NOW!

W.C. Gawlikowski
14107 Forestvale Dr.
Chesterfield, MO 63017
1.314.453.9196

MTC–00025999

From: Felicity Marsh
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

AOL bought Netscape while the anti trust case was on going,assuming the government would slow Microsoft up with the court case and possibly hand Netscape a victory which would allow AOL to capitalize on that with little effort to itself. There never was any concern for the public in this case.

The public benefits from affordable products.—Microsoft produces those. Netscape itself saw the benefit to the consumer of combining the server with the operating system and tried to do that before Microsoft ever did, even though it had a monopoly on servers at the time. That in itself demonstrates that in the world of technology a monopoly lasts only until a better product comes along, had Netscape been able to do a better operating system there would be no Microsoft to speak of.It was there product which did not win in the market.

The public benefits from a system that is easy to operate.- Microsoft produces that,Netscape tried and failed, and can still try again. AOL is big enough to push that forward if it chooses.

The public benefits from a stable product.- Microsoft was working on and has now produced that.

The latter was what Sun Microsystems and AOL feared most and had to stop , one way or another, as that was the biggest threat to their businesses.

The public has watched the economy sabotaged by hiked up values on the stock exchange as other companies thought they would make a fortune in Microsoft's demise, that never happened because a many faceted system is doomed to failure. Speaking with a single tongue is the only way forward for technology.

Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.

It will hurt AOL most in the end as Microsoft has the will and ability to close its eyes to the distractions leave them to the lawyers and keep working on its products.

My biggest concern in all of this is that while Microsoft is using its own money to fight this case and others, AOL and Sun are using tax payers money to fight their battles. The tax payers are not in unison about their tax dollars being spent that way -that money is needed elsewhere, particularly now.

Tax payer with a different fiscal agenda,
Felicity Marsh.

MTC–00026000

From: Joan Nims Cook
To: Microsoft ATR
Date: 1/26/02 12:03pm
Subject: microsoft settlement

I think it is time to close the Microsoft Anti trust suits and get back to the economy and what is best for the consumers. I do not see how further legal action against Microsoft will benefit any one except her competitors. How is that the responsibility of the Dept of Justice or the US Government

Joan Cook.

MTC–00026001

From: Les
To: Microsoft ATR
Date: 1/26/02 12:02pm
Subject: Microsoft Settlement

I am writing to respectfully request that the government accept the settlement, that has already been arrived at with Microsoft. It is high time that the competitors of Microsoft and the government recognize that the American system is built on capitalism. In the capitalistic system, only the most agressive and creative come out on top. AOL/Time Warner did not get to where they are by being fair to all of their competitors. They are no less guilty of being agressive to the point of beating their competitors than Microsoft. The bottom line is that Microsoft's browser is superior in every way to Netscape and therefore is used by more people. If AOL/Netscape feel that Microsoft has used its unfair advantage by integrating more closely to its operating system, let them write an operating system. That's the American way.

Thank you for your consideration of this matter.

Lester L. Smith

MTC–00026002

From: Don
To: Microsoft ATR
Date: 1/26/02 12:03pm
Subject: Microsoft Settlement
To: Department of Justice
From: Don Phillips, Consumer, Engineer, Voter

I believe the US Government should settle its antitrust suit against Microsoft immediately. The current proposed settlement should be approved and implemented as soon as possible. This lawsuit never, in any way, represented the interests of consumers. Microsoft has had a long track record of developing and selling software products that consumer like and use. The company's growth and profits are evidence of this. On the other hand, no credible evidence was ever presented during the trial (or after) to show that Microsoft ever did anything that was against consumer interests. Clearly this lawsuit never had any basis in fact and never should have been undertaken. In fact, the lawsuit, itself, has caused major harm to consumers and to the entire US economy.

Also, the government's reputation as being objective and fair has been seriously eroded. In short, the whole process has been a disgrace to justice and an insult to American consumers.

I have worked in the semiconductor industry for 30 years and have had many dealings with Microsoft as well as many of Microsoft's competitors. Also, I have personally used many products from Microsoft and from its competitors. Based on my long experience with technical products it is very clear to me why Microsoft's competitors have not prevailed in the marketplace.

This lawsuit has clearly been shown to be nothing more than a thinly veiled attempt by weak competitors to do serious harm to a more successful company. This is very disgraceful behavior! For the government to continue to perpetuate this case would be a major miscarriage of justice.

Respectfully,
Don Phillips,
Palo Alto, CA

MTC–00026003

From: Bryan Tighe
To: Microsoft ATR
Date: 1/26/02 12:05pm
Subject: Microsoft Settlement

I feel that the proposed settlement does not provide enough regulations, rules, and other needed stipulations against Microsoft in order for the consumers of America to fully benefit.

Because Microsoft has a monopoly on operating systems, and maintains that monopoly through distribution of their own software with their operating systems, no other operating system can successfully enter into the consumer market. The consumers do not have a choice, and this is not in the best interest for American consumers. Instead, they are required to use one and only one operating system, and another of potential better quality is disregarded before even given its chance. Furthermore, Microsoft has a monopoly on many of its software products. It obtained these monopolies mainly through selling the software along with the operating system. If a consumer buys the operating system, they must buy the software with it. In addition to this, the software cannnot run on any other operating system. Likewise, Microsoft will not release all of the technical specifications nessasary to allow other software companies to create products of similar quality. If these other software companies do create software which competes with Microsoft's software, Microsoft has shown a history of giving their products away with their operating system. Then, consumers will not purchase the rival company's software, because Microsoft has used its operating system monopoly to choose the software for them. Of course, that ''free'' software is not truely free: somehow the cost must be justified, and the prices of other Microsoft products and operating systems will rise to cover the costs.

Let's imagine that company A makes screwdrivers. That same company A makes screws. By a turn of events, the company becomes the dominant provider of screwdrivers, although many other companies still make screws. Also, the screwdrivers which company A sells are often questioned for their poor quality at performing their job and inability to resist breaking under pressure. Now, in this situaiton, if another rival company, company B, made a better screwdriver and sold it at a reasonable price, they would soon easily compete with company A. This is because consumers have a choice, and can choose which screwdriver to purchase. But, before company B comes to the market with the better screwdriver, company A decides that it will manufacture screws which can only be used with company A's screwdrivers. In addition, they give away these new screws with their screwdrivers. Since they have the monopoly on screwdrivers, this effectively hurts the other screw manufacturers'' businesses. Soon, the only company making screwdrivers and screws is company A. Also, since they will not release the specifications for their products, no other company can create the same type of screwdriver which uses company A's screws. Similarly, no consumer would purchase screws from another company because they are already ''given'' screws from company A. Consumers do have the choice to buy screws from another company, but these other companies are already at a disadvantage, because they compete with a product that is free and ''readily available'' to any consumer which purchased a screwdriver from company A.

The remedy for this problem is to somehow force Microsoft to not distribute any software with its operating systems. Then consumers would have the true choice over which software products to buy. Also, the second part of the solution is to force Microsoft to release all of the needed technical specifications so that other companies can create operating systems capable of running Microsoft's software. This would also allow other companies to create software which effortlessly runs on Microsoft's own operating systems.

Breaking the company into two companies (one for the operating systems, and one for the software) would be an effective method of forcing the above requirements. But this might not be needed if the above requirements could be maintained by some type of watchful technical committee.

The most important issue is choice for the consumer. Once every company has access to the needed technological information, then true choice can be given to the consumers of America. If one company creates a superior technology, and keeps it secret in order to make a profit, then more power to them. But once a company uses that advantage to force their products to be purchased over other companies'' products, then the consumer is no longer able to choose, and the proper steps should be taken to rectify the situation.

Bryan Tighe
Software Developer
Arlington, VA
Duke University Computer Science, class of 2000

MTC–00026004

From: Turra2@ao1.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:06pm
Subject: Reply about Microsoft

Dear Sir,

Please see attachment that has my letter. It is called Microsoft litigation.

Sincerely,
Mario Turra
CC: Turra2@aol.com@inetgw

1755 Tommy Lee Cook Rd. Palmetto, Georgia 30268
January 26, 2002
PERSONAL
Attorney General John Ashcroft
Dear Attorney General Ashcroft,
This is to express my opinion on the Microsoft litigation. The matter against Microsoft, in my opinion, should never have taken place. I think the settlement is appropriate and should take place as soon as possible.
Respectfully,
Mario Turra 1/26/02

MTC–00026005

From: Felicity Marsh
To: Microsoft ATR
Date: 1/26/02 12:06pm
Subject: Microsoft
Settle now.—Just do it, for the publics sake. We are fed up, and spent out, and annoyed with you spending our money without consulting us.

MTC–00026006

From: JoLa8191@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:07pm
Subject: Microsoft settlement
Notice that I am a long time AOL subscriber, and have been for many years. Right now, I can access lots of Microsoft stuff, like Internet explorer, whenever I want to because it came with Windows 98. All of the computer users that I know agree that we, as a group, would gain nothing, and lose much, if we could only have a stripped-down version of Windows. Please do NOT make a decision that only benefits Microsoft's competitors, and adversely impacts average computer users.
John Lawrence

MTC–00026007

From: Carol Leiby
To: Microsoft ATR
Date: 1/26/02 12:07pm
Subject: Microsoft Settlement
It is important to the computer industry and to the US economy that this trial be brought to a close. The settlement is fair and any more deliberations would be a waste of people's time and money that could be better spent.
Carol Leiby

MTC–00026008

From: Georgadad@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:09pm
Subject: Re: SENIORS COALTION URGENT ACTION ALERT- Microsoft and big government
This sounds like a fair settlement of Microsoft for all involved. I am a senior citizen and very active with computers. Many wealthy parties may not like that settlement.
I will close this now.
Eugene Bunt
1409 S LUNA ST
LAS CRUCES, NM 88001

MTC–00026009

From: Joyce Hlava
To: Microsoft ATR
Date: 1/26/02 12:12pm
Subject: Microsoft Settlement
Dear sirs,
I just want to register my objections to the proposed settlement. Living in Silicon Valley and working in the industry, I appreciate the fact that Microsoft does indeed establish a standard for most consumer PC products. The way they have done it though is unbelievably coercive. I remember being at a banking trade show about 5 years ago and talking to a Microsoft employee who was working the booth. It was really interesting because he had been VP of sales for a small company which was bought by MS. He said that this start-up had a great technology and had the ''normal problems'' (which means total stone wall trying to get information) from MS in order to make their product compatible with Windows. When MS realized what their technology did, it came to them with ''an offer they couldn't refuse''. They had to either sell or MS would develop the technology themselves and incorporate it for free. Having seen what happened to Netscape, a bigger and better financed company, the partners felt they had no choice. This is a story that I have heard over and over.
The proposed settlement is only a slap on the wrist. It allows MS to saturate the education market in a big way. Since this is the only market with a serious operating system competitor (Apple), this isn't punishment, it's a reward.
Joyce Hlava Ogden

MTC–00026010

From: Christopher R. Hertel
To: Microsoft ATR
Date: 1/26/02 12:13pm
Subject: Microsoft Settlement
January 25, 2002
Renata B. Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001
Regarding: The Microsoft Settlement
Dear Ms. Hesse,
I am a member of the Samba Team, an international group of computer programmers who develop Samba, a free software product. Samba implements Microsoft protocols to allow non-Microsoft systems to interoperate with, and compete against, Microsoft's Windows products. Samba is ''Open Source'', which means that the source code is available for download via the Internet, free of charge, to anyone.
Though Samba is a volunteer effort, our software has been adopted by many major computer vendors including Hewlett-Packard, IBM, and SGI. Several smaller companies have based their entire businesses on our code, and many organizations (including offices within the Federal Government) rely on Samba. We are, most likely, one of Microsoft's biggest competitors in the file-server market.
Because Samba is critical to so many companies, some members of the Samba Team are employed to help maintain the code. This is unusual in the Open Source community. Most of us, myself included, are not paid for our work but participate because we enjoy programming and want to contribute. Other examples of community-driven software include the Linux operating system and the Apache web server, both of which also compete against Microsoft products. It is difficult to estimate the number of Open Source projects under development, but the SourceForge service alone lists over 32,000 registered projects and more than 340,000 participants.
Clearly, Open Source represents viable competition against Microsoft. Unfortunately, the proposed settlement contains wording which would grant Microsoft the right to specifically exclude Open Source projects such as Samba from accessing information required for interoperability. In particular:
* In section III.I, the settlement document discusses the payment of royalties and other ''monetary consideration''. Open Source developers generally do not keep track of ''customers'' or collect any money for their products. It is, therefore, impossible to calculate or pay royalties or other fees. Further, the requirement that protocol and API information be licensed from Microsoft would make any such information unusable in an Open Source project. The term ''Open Source'' means that we make the source code available to anyone who wishes to see it, copy it, or modify it. That would certainly violate Microsoft's licensing terms.
* In section III.J, Microsoft is granted the right to judge the ''business need'' of a potential licensee, as well as their ''authenticity and viability''. Open Source projects such as Samba and Linux are not businesses. They are community projects, and would certainly be rejected under these criteria. Thus, Open Source developers are prevented from obtaining information about ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'', exactly the kind of information that is needed to ensure interoperability with Microsoft products.
There are several more examples in the document, but they all amount to the same thing: Open Source developers are being excluded.
There are many arguments to be made against the revised proposed Final Judgment in the Microsoft case. To me, the most striking is that Microsoft would be allowed to continue control access to this critical information. I urge the Department of Justice to withdraw its consent to the revised proposed Final Judgment.
Sincerely,
Christopher R. Hertel
885 Hague Avenue
Saint Paul, Minnesota 55104

MTC–00026011

From: Patricia R. Prendergast
To: Microsoft ATR
Date: 1/26/02 12:14pm
Subject: mocrosoft settlement
I agree with the settlement for the Microsoft case vs. AOL and DoJ and nine states.
Sincerely,
Patricia R. Prendergast

MTC–00026012

From: bsculp@juno.com@inetgw

To: Microsoft ATR
Date: 1/26/02 12:15pm
Subject: litigation

It is time to stop the litigation against Microsoft and move on.

MTC–00026013

From: Kurt Zadina
To: Microsoft ATR
Date: 1/26/02 12:15pm
Subject: Microsoft Settlement

Not good for the United States.

MTC–00026014

From: Robert Berg
To: Microsoft ATR
Date: 1/26/02 12:16pm
Subject: Tunney Bill

Settlement of this costly litigation will allow all Americans freedom of the Internet and of such software as is needed.

Robert Berg
2435 Ocean Ave.
Bklyn,N,Y.

MTC–00026015

From: Arla3259@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:17pm
Subject: Microsoftsettlement

Please leave the settlement as it now stands. Everyone in our computer club agrees that we do not want a stripped down version of the Windows operating system. We gain nothing and lose a lot!

Arline Lawrence

MTC–00026016

From: Nathan Alderman
To: Microsoft ATR
Date: 1/26/02 12:18pm
Subject: Microsoft Settlement

To whom it may concern:

If I committed some significant white-collar crime, say, embezzlement; if, during the course of my subsequent trial, I made misleading (if not false) statements and instructed my attorneys to provide falsified evidence meant to bolster my case; if I was in fact, found guilty of my crime upon preponderance of the overwhelming evidence, yet continued to insist that I had done absolutely nothing wrong... ... would it then be just for me to dictate the terms of my own punishment? And would it be just for that ''punishment'' to officially absolve me of guilt, and, in exchange for spending the merest portion of the wealth I had accrued through my illegal and harmful practices, place me in a position to reap enormous future benefits and continue the illegal practices that I had been tried for in the first place?

In my opinion, this is the situation at hand in the Microsoft case. The resolution to their crime may be uncertain at this time, but they have been found indisputably guilty in a court of law— a court for whom they showed nothing but contempt, through repeated and clumsy attempts to mislead the court with badly doctored evidence and vague testimony.

It runs counter to the fundamental nature of the American Justice System that Microsoft, through its vast wealth and political and public influence, should be allowed to escape justice, much less to profit from its crime with a newly established stranglehold on the education market. I salute the Department Of Justice's desire to save taxpayer money by seeking a quick resolution to this case. But I would argue that the eventual financial and economic cost to the average American citizen will ultimately be much greater if Microsoft's proposed remedy is put into effect.

I hereby plead with the court and the Department of Justice not to allow Microsoft to profit from its crimes. For the callous disrespect they have shown to our justice system, and for the vicious and predatory business practices of which they have been found guilty, they deserve the harshest and most humbling of penalties. And they do not, I believe, have any right to decide what that penalty should be.

Sincerely,
Nathan Alderman
San Antonio, Texas

MTC–00026017

From: Andrew Syka
To: Microsoft ATR
Date: 1/26/02 12:19pm
Subject: Microsoft Settlement

As one who owns no stock in any of the companies objecting to the government's settlement, but am a user of Microfsoft's Windows 95 operating system, I submit that the currently proposed settlement has to many loopholes which will permit Microsoft to continue many of its practices alleged to have prevented competition in the industry.

Andy Syka

MTC–00026018

From: Thomas Corriher
To: Microsoft ATR
Date: 1/26/02 12:19pm
Subject: Microsoft Settlement
Contact information:
Thomas Corriher
142 Redwood Drive
Mocksville, N.C.—27028
Phone: 336–391–2713, 336–936–0018 email: corriher@mailcity.com,
hcconst@earthlink.net
Summary

This letter is to plead with the court that it use its wisdom to insure that the abusive monopoly of Microsoft is punished for its arrogant and reckless disregard for law. The proposed settlement does not place adequate restrictions upon Microsoft to prevent it from future abuses. The settlement actually gives Microsoft legal justification to continue its business as usual. The settlement was not a victory for the Department of Justice, it was a surrender. Microsoft has become a disgrace to our nation. They have associated their unique brand of predatory behavior which is driven by perverse extremes of greed to our entire information technology industry, while manipulating the justice system to comply with its agenda. It has earned itself the nickname, ''The Evil Empire''. I beg you, do something before it is too late. I am terrified of a future in which all information is controlled and monitored by Microsoft. You have a chance to save the world.
Your Honor;

You bear an enormous burden, for you will make history. I am certain that you have read enough technology arguments in recent times to satisfy you for your lifetime.Your valuable time is already unduly limited.
Making A Mockery of U.S. Law

There are seemingly countless examples of Microsoft's disregard toward the ethics of its own industry, and its brazen contempt toward the laws of the United States. Microsoft altered evidence during the trial in question, and was caught using altered video evidence. As we of the public have come to expect, Microsoft was unpunished. Microsoft funded two separate organizations which pretended to be independent organizations during its trial. These groups filed briefs to support the company, and attempted to rally public support for Microsoft. These facts were made known only after a suspicious person at the Oracle corporation hired a private investigator to rummage through the trash of those ''independent'' consumer groups. In further disregard for ethics, Microsoft secretly lobbied to have the funding for the Department of Justice substantially lowered after the trial began. One can only speculate if their motive was to prevent their prosecution, or if it was to enact revenge on our nations core law enforcement agency. During the trial, Microsoft claimed that competition existed, while it financially rescued Corel and used that company as evidence that competition indeed survived in the ''free market''. Both companies then attempted to suppress Corel's benefactor, as it would appear incriminating; and this was in itself an instance of perjury. Thereafter, Corel immediately discontinued work on Linux since it is a potential operating systems competitor for Microsoft. There have been numerous instances in which agents of Microsoft have written letters to various organizations in support of Microsoft. These letters typically dishonestly attack any thing considered to be a threat to Microsoft. The troubling aspect of this behavior is the letters are written to appear as spontaneous testimonials from independent sources. Microsoft's organized campaign of misinformation is so common that there is a name for it. It is called ''astroturf''—meaning a fake grass roots movement. You should expect to see many astroturf letters, and I have read that some of the state attorney generals have already been receiving correspondence from people who died years ago. Recently during another trial, Microsoft boldly proposed our government replace Apple's software in the schools with donated Microsoft software, thereby extending its monopoly to education as a remedy to abusive monopoly practices. In further insult to our collective intelligence, the plan would require Microsoft to give its software to schools at its inflated market value and use that as a tax write-off. Under Microsoft's proposed ''punishment'' for itself, the tax payers would be forced to pay Microsoft to create another monopoly for itself among children.
Time Is Running Out

To Microsoft winning is everything, and in its twisted corporate mind-set it means everyone else must lose. The losers include you and me. Their appetite is unquenchable. The best analogy to Microsoft is to describe

it as a cancer. This company has already consumed every other company in the low-end (PC) software market, and is now moving to hijack the free and open Internet with its .Net initiative. Microsoft has even turned its attacks upon free software which is the foundation of all industry standards and the Internet. Even software produced by volunteers is not acceptable to Microsoft, since such software weakens the publics complete dependence on them. Microsoft is in many ways like an illegal drug dealer, because it does everything in its power to kill all competitors while stimulating a complete dependence on its own products. Microsoft is powerful enough to make unquestionable demands against the providers of Internet services, and computer hardware manufacturers. It alone defines the rules and twists standards for desktop computer systems to meet its agenda. Software companies which do not threaten Microsoft's agenda are allowed to live. Microsoft commonly makes its own software function poorly with non-Microsoft software, while adding operating system features to cripple the software of others. To make my case: the mighty IBM is afraid of Microsoft. Everyone is afraid. They are a menace, and they are a significant threat to our liberties.

MTC–00026019

From: im4jesus@kfalls.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:16pm
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,
Cher Brence
5828 Havencrest Drive
Klamath Falls, OR 97603

MTC–00026021

From: john e viano
To: Microsoft ATR
Date: 1/26/02 12:18pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is reasonable and fair to all concerned. I reccommend prompt action to resolve this matter as currently structured. John E. Viano bigjohnn1@juno.com

MTC–00026023

From: Charles Kuske
To: Microsoft ATR
Date: 1/26/02 12:20pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. I have been programming since 1978 and have seen a lot of changes, and change is good. This settlement is business as usual, makes no changes, and is bad.

Sincerely,
Charles Kuske

MTC–00026024

From: Chris Jessee
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft Settlement

Hello,

As an information technology specialist, I'm writing to express my concern over the inadequacy of the proposed remedies in the Microsoft settlement.

Any remedy short of breaking-up Microsoft will not be adequate in stopping their aggressive monopolistic business practices. Without break-up, Microsoft will continue to destroy their competitors and foist poor quality products on businesses and consumers. An important fact that has been largely overlooked in this case is that Microsoft's stranglehold on the computer industry is national security threat. Many of our government agencies, much of our military and the vast majority of our business and educational institutions operate on and are heavily dependant on Microsoft software. Hardly a week goes by that we don't hear news of the latest computer virus or hacker breakin crippling thousands of servers and desktop computers by taking advantage of the security holes in Microsoft's poorly designed and implemented products. A hacker terrorist could shutdown much of the government, military and business community with a well-written virus that exploits the holes in Microsoft's sloppy code. Hacker attacks cost companies and taxpayers millions of dollars a year because of Microsoft's negligence and our dependence on them. Microsoft should be held criminally liable for the losses caused by their software. Just as Firestone and Ford are held accountable for safety failures, Microsoft and all other software vendors should be held accountable for security failures. Breaking-up Microsoft and fining them to a degree as to cripple them and using the revenue to fund competitors and ''Baby Bills'' is the only way to ensure national security and consumer choice. Don't allow Microsoft's lobbyists lining the pockets of politicians to threaten the security of our country.

Thank you,
Chris Jessee
jessee@cville.net
203 Camellia Dr.
Charlottesville, VA 22903
804–979–7279

MTC–00026025

From: edie smith
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft Settlement.

I believe America would not be in the lead of Computer intelligence had it not been for Microsoft. When you are a leader, you encounter jealousy & hate. Americans might be respected around the world but never loved by the world. Such is the case with Microsoft as was the 12 year case against IBM.

Quit biting the hand that feeds you. I am against any breaking apart the Firm of Microsoft. And I am against any party receiving their software codes.

I am going to start a campaign to end Porn spam, the majority coming from AOL member sites, which seems that this would be the interest of the integrity of the internet and software legalities. Porn sites can't think of enough ways to make money, be dishonest in undeliverable return email addresses, leaving the angry recipient no choice but to track down the headers, and source code of the web sites in order to put a stop to them flooding, I said flooding, vulgar, unrequested email to email addresses that they randomly solicit to. This should be against the law. So why don't you put your legal efforts where they protect the public interest. Or are many of you partners with these porn sites and receiving monies on affiliations. Do something about it before I have to, and then your legal teams will be sited & sued for not upholding the internet laws. (TITLE 18, CHAPTER 47). Ignorance is no excuse in the eyes of the law. I'm tired of drawing a line for your flimsy morals. I have a choice to use Microsoft or any other software I want. Microsoft isn't infringing on my freedom, my private email address, my choice.

Get a real job. timelordess@hotmail.com
depth seeker

MTC–00026026

From: Wesley Taylor
To: Microsoft ATR
Date: 1/26/02 12:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the proposed Microsoft settlement as specified under the Tunney Act. In short I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). I specifically want to emphasize problems with the PFJ which affect me as a programmer.

No operating system has any use whatsoever without applications. Thus I am especially concerned about several aspects of the PFJ. First, I believe that the requirement that Microsoft publish its secret API's is not broad enough to require it to publish enough of the API's to enable third party software developers to write programs that compete at any level. This is a problem both for third party application developers, and third party operating system developers such as Sun, Apple or Linux who are trying to write their systems to enable Windows applications to run on their systems. I urge you to seek a broader definition of API from third party software developers which they feel would be sufficient to develop commercially viable software that could interoperate with Windows operating systems or applications.

Second, I disagree with the section of the PFJ which requires the release of API

documentation but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

This goes hand in hand with my first point. A big part of a programmer's software development is checking the documentation of the API's (s)he is using to ensure that his/her own application will interface properly. Prohibiting the use of documentation by competitors is nearly equivalent to not publishing the API's. This prohibition neatly undoes the requirement that the API's be published in the first place.

Third, I urge you to require that Microsoft release documentation which completely describes the format of Microsoft Office documents. A major concern of people who go to purchase a computer is whether they will be able to read documents from others. This means in nearly all cases being able to read Microsoft documents. The usual answer is ''no, this program (or this computer) only reads some Microsoft documents.'' In order to enable third party developers, especially application developers, to compete, they must be able show that their customers have real compatibility. Third party software must be able to read and write Microsoft documents formats, and to do this Microsoft must publish it's Office Document formats.

Finally, I am pessimistic about the enforcement of the PFJ as a whole. I believe that Microsoft has consistently, and with full understanding of what they were doing, broken previously imposed restraints on their monopolistic practices. I urge you to develop a strong system of restraints on Microsoft to enforce whatever PFJ is finally imposed.

Sincerely,
Wesley P. Taylor
taylorjnw@earthlink.net
CC:dank@kegel.com@inetgw

MTC–00026027

From: Jackfrew@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft settlement

This is in support of Microsoft's position re: AOL lawsuit. IA's success in the market has been proven to be based upon morit, not market share.

Stop all the frivolous lawsuits. Let people get back to work developing improvements to their software instead of spending money on lawyers.

MTC–00026028

From: Teruel de Campo
To: Microsoft ATR
Date: 1/26/02 12:30pm
Subject: Microsoft Settlement

do NOT agree
-=terry(Denver)=-
chusty@attglobal.net
AIM: terryXela *** ICQ: 6387625
Date: US: 01/26/02 / Euro: 26.01.02, Time: 10:31:05

MTC–00026029

From: Jonathan Van Doren
To: Microsoft ATR
Date: 1/26/02 12:29pm
Subject: Microsoft Settlement

I would like to express my opinion about microsoft-THEY ARE A MONOPOLY! If I had another option besides windows I would definitely have taken advantage of it. Their product is poor and their support is terrible-I have never encountered such rude and arrogant behavior from a ''service'' entity in my life. When I purchased my computer it came preloaded with windows XP, an untested and microsoft-slanted product that has further entrenched their monopolistic powers.

The government's proposed ''settlement'' is a travesty of justice, and makes me wonder how much compensation the anti-trust division received for it's condoning of anti-competitive behavior.

Microsoft will never change on it's own, and therefore real action MUST be taken-or the justice department will simply be another competitor that bows it's head in defeat. Get more from the Web. FREE MSN

Explorer download : http://explorer.msn.com

MTC–00026030

From: Richard Lambert
To: Microsoft ATR
Date: 1/26/02 12:30pm
Subject: microsoft settlement

As a citizen of USA, it is my firm opinion the terms of the settlement agreement between 9 states and DOJ are fair and good for the nation.

Do no delay in instituting this agreement.

Dick Lambert
461 Dellbrook AVe
San Francisco, CA 94131

MTC–00026031

From: Jim Fritz
To: Microsoft ATR
Date: 1/26/02 12:32pm
Subject: Microsoft is Good

Dear DOJ,

Thank you for settling the antitrust case against Microsoft (MS). The 9 states which are asking for further remedies don't realize that MS has added incredible value to our world by making information technology ubiquitous at an affordable price. The case should be settled as is without further remedies as this is what is best for the consumer and the industry.

Regards, Jim

MTC–00026032

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 1/26/02 12:34pm
Subject: Microsoft Settlement

MTC–00026033

From: Sam Hummel
To: Microsoft ATR
Date: 1/26/02 12:35pm
Subject: Microsoft Settlement

This sure sounds like he has more than I do and now I don't think it is fair. Why can't we be glad Microsoft made it so easy for the average person to own a computer. If it wasn't for their innovated ideas and boxing things all together, some of us would never have learned to use the internet. If anybody tries to wrap everything together, it is AOL. Once they install their software on your computer, it somehow connects itself to everything....But that is okay because I chose to use that program to access the web. I have free choice to pick and chose what is offered to me. Let me make that decision and not some other company that is just a spoiled sport.

Sharilyn Hummel, Dover, DE

MTC–00026034

From: Walt Wilson
To: Microsoft ATR
Date: 1/26/02 12:38pm
Subject: Microsoft Settlement

From all information available, I find the proposed settlement with Microsoft to be sorely lacking in real hard punitive punishment for the practices of the past, nor has Microsoft shown any remorse for its prior activities. it continues to bundle software with the intent of pushing aside any competition it might face. The proposed settlement does little if anything to level the playing field for competitive software to be given a fair evaluation on the market place. Microsoft has been, and in this citizens opinion, still is in the business of monopolizing the Operating System and Browser software industry. We as citizens should be given a choice as to what we use, but the efforts of Microsoft prevent that from being a viable alternative as all new equipment manufacturers are still forced to load the Microsoft package of OS and Browser of face being shut out of Microsoft's good graces

Walter L. Wilson
132 Rolling Park Drive
Lexington, NC 27295–6810

MTC–00026035

From: Dow McKeever
To: Microsoft ATR
Date: 1/26/02 12:39pm
Subject: Microsoft Settlement

The Microsoft settlement as currently proposed is unfair.

Dow McKeever

MTC–00026036

From: Lesley D. McDowell
To: Microsoft ATR
Date: 1/26/02 12:40pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.
-Lesley D. McDowell

MTC–00026037

From: JOHN N GEHL
To: Microsoft ATR
Date: 1/26/02 12:43pm
Subject: Sirs:

Sirs:

I would like to lend my support to the anti trust settlement between the Department of Justice and Microsoft Corp. It seems to me that the provisions of the agreement , while tough, are reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling. Hopefully, my feelings and support will be given consideration during the review and a determination made that the terms are indeed in the public interest.

Thank you for allowing me to express my feelings on this matter.

John N. Gehl
CC:fin@mobilizationoffice.com@inetgw

MTC–00026038

From: mdjj77@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:44pm
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,
Delores Daugherty
P.O. Box 22
26263 Lake Forest Drive
Twin Peaks, CA 92391

MTC–00026039

From: steve.duenkel@
worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:44pm
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,
Steve Duenkel
1762 233rd Place N.E.
Sammamish, WA 98074–4452

MTC–00026040

From: bob vinci
To: Microsoft ATR
Date: 1/26/02 12:48pm
Subject: Microsoft settlement

To whom it may concern,

It is time to resolve the Microsoft suit. The settlement is fair in all regards. Only a need to gain the upper hand in the marketplace keep opponents of the settlement motivated. The best interests of the consumer are served by this settlement. There is no need to further strip away Microsoft's ability to compete. It must be noted that the initiation of the DOJ suit coincided with the ''bursting of the technology bubble''. It is time for the DOJ to help put the economy and free trade back on track.

MTC–00026041

From: mdjj77@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:45pm
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 Daugherty
P.O. Box 22
26263 Lake Forest Drive
Twin Peaks, CA 92391

MTC–00026042

From: Richard Kosvanec
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

I am writing as a concerned citizen who is both shocked and dismayed that a convicted monopolist seem to be getting even more monopoly power handed to them via the justice system.

Microsoft continues to ignore consent decrees, release insecure products, bury, buy or steal from their competition (they call it a ''strategic alliance '') and these practices must be stopped.

The biggest insult to the Justice system, Democracy and the American People is that Microsoft actually has a say in what their punishment will be. Since when do convicted felons have a say in their punishment?

My opinion is this should be done:

1) Microsoft should pay back no less than 10% of their highest net worth back to those that have been harmed by the leveraging their monopoly.

2) Pay all of the court costs so taxpayers such as myself are not footing the bill.

3) No more ''secret and exclusive contracts'' with OEM's. If I do not want a computer with Windows on it, I should not have to PAY for it anyway!

4) All of their ''Office'' file formats should be opened up. This should not be an option. They can keep their program's source code a secret, however, any data created with those programs should not be subject to the whim of a monopolist. Microsoft seems to forget too quickly that it is my data and my computer, not theirs.

5) Any and all versions of their operating systems that they discontinue support for should have its source code released. Just because they do not support it, does not mean that it is no longer used, and would decrease the ''upgrade treadmill'' Microsoft is so famous for creating.

6) Along the same lines as #4 —and I can not emphasize this enough—- strict adherence to network/Internet/web protocols. No proprietary extensions (Microsoft's version of Java that was Windows only), no co-opting standards (Kerbos) and no drastic changes to break others products (SMB and others).

7) Look at the suggestions submitted to slashdot.org that echo my sentiments and expound even more my suggestions: http://slashdot.org/comments.pl'sid=26726&cid=0&pid=0&startat=&threshold=3&mode=flat&commentsort=0&op=Change

Thank you for your time.

Richard Kosvanec
Athens, Ga.

MTC–00026043

From: The Provident Search Group, Inc.
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Please stop further litigation against Microsoft. Since they have agreed to a settlement which is in everyones'' interest, it makes no sense to harass them further. To do so will be to negatively affect our economy (which US Government actions have already done due to their involvement in this entire matter).

Furthermore, the US Justice Department has largely been responsible for a dramatic decrease in our portfolio value due to the drop in Microsoft stock precipitated by Government actions.

Thank you,
Frederick & Coleen Walther
PO Box 30
West Poland, ME 04291

MTC–00026044

From: LWydock@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

As a retired Federal Employer and Citizen of the US, I feel it is time that the revised Settlement be accepted and move on to more important issues such as in continuing to make the US a strong competitive force in the world economy. This delay is only benefiting our foreign competition. The competition is trying to tie the hands of an innovative company like Microsoft.

Thank You for allowing me to express my opinion on this important issue.

Lawrence R. Wydock

MTC–00026045

From: Faye Patrick
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

Microsoft has supported our Computer Users Group from the time that we started until and including NOW. We appreciate their support and feel that most other companies quit helping groups such as ours. We are ICON Users Group, located in Springfield Missouri. Microsoft comes to our group and demonstrates their newest software and generally helps our group and other groups similar to ours. I feel that they have made using computers much more user friendly than they were in the beginning. ENOUGH IS ENOUGH!! QUIT THE PERSECUTION OF MICROSOFT!

Sincerely,

Faye Patrick Newsletter Editor ICON Users Group Springfield Missouri

MTC–00026046

From: Jamclouds@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:52pm
Subject: (no subject)

Dear Judge,

Although I am a supporter for free markets and free competition, I do not agree that the Proposed Financial Judgement has been effective in circumventing the monopoly that Microsoft has established. Microsoft has clearly violated anti-trust laws and the PFJ has not been sufficient action taken to curb these activities.

I would hope that more can be done in terms of overturning this settlement.

Sincerely,

Sarah Butler

248 Lincoln Street Lexington, MA

CC:stopmicrosoft@yahoo.com@inetgw

MTC–00026047

From: Craig Reisinger
To: Microsoft ATR
Date: 1/26/02 12:52pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement offer.

I believe that this entire matter qualifies as government sanctioned extortion. Microsoft is a business. A business is started to make a product and a profit. No one was forced to choose any Microsoft product.

Like many millions of other consumers I CHOSE to do so—REPEATEDLY. Microsoft made a profit and I have a product I WANTED. Is there even ONE individual who did not have a choice about which product they would use? NO! To argue that they couldn't figure out the technology and use a competing product has no merit. A Cessna pilot has no right to complain that he cannot fly a 767. An automobile driver has no right to complain that he cannot fly a Cessna.

Computers are not toys. They are very complex tools that have become easier to use and more beneficial because companies like Microsoft work very hard to make that happen. Efforts like this suit are counter-productive, immoral, unconstitutional (in my opinion), and wrong!

Craig M. Reisinger

2500 Deer Valley Rd. #421

San Rafael, CA 94903

MTC–00026048

From: chappell
To: Microsoft ATR
Date: 1/26/02 12:57pm
Subject: Microsoft Settlement

John and Susan Chappell
20630 NE 92nd Place
Redmond, WA 98053
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The settlement reached between the Department of Justice and Microsoft should be enacted at the earliest convenience of the Justice Department. Three years have now passed since the inception of this litigation. Since this time, enormous amounts of money have been spent in pursuing this litigation.

Given the recent recession and decline in budgetary resources, to pursue this issue any further would be a sad waste of funds. Therefore, I urge you to enact the settlement reached back in November.

The settlement works as a barrier against Microsoft's more cutthroat business practices, while maintaining the company's ability to deliver efficient, integrated software to consumers worldwide.

The settlement agreement contains many compromises on Microsoft's behalf. Microsoft has agreed not to retaliate against manufacturers that ship software that competes with Microsoft. In addition, Microsoft has agreed to license Windows at the same rate to the larger PC manufacturers. Finally, Microsoft will also disclose many of the protocols within the Windows system.

In the end, the enactment of this settlement will be beneficial to everyone involved.

Please enact the settlement.

Sincerely,

John and Susan Chappell

MTC–00026049

From: apachyderm@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:55pm
Subject: Microsoft Settlement

Please accept the proposed Microsoft Settlement. Further litigation will only benefit the trial lawyers and a few greedy states attorneys general.

Dale Nelsen

Nampa, Idaho

MTC–00026050

From: Simon Beaver
To: Microsoft ATR
Date: 1/26/02 12'55pm
Subject: Microsoft Settlement

I am writing to submit my comments on the proposed settlement between Microsoft and the U.S. Department Of Justice. For nearly twelve years now, I have worked in the computing industry. For nine of those years I have been a freelance consultant, and have thus been able to observe the activities of a wide range of companies. I have no affiliation either with Microsoft or any of its competitors. For the reasons I shall set out below, I am strongly opposed to the settlement in its existing form. Whenever someone is found to have broken the law, they are subject to sanctions. Those sanctions vary according to the nature of the offence, but in all cases they have three main components. They provide for an appropriate punishment, they attempt where possible to compensate those who suffered as a result of the offence, and they endeavour to ensure that there is no likelihood that the convicted person will re-offend.

Although different weight will be given to different aspects depending on the nature of the offence—criminal or civil, major crime or petty misdemeanour, etc—some aspect of these three elements is always present. What makes the proposed settlement in the Microsoft case unique, is that none of those elements are present.

To take these three elements in order, let us first look at punishment. Clearly, there is no element of punishment whatsoever contained in the proposed settlement. Microsoft have been found to have been operating an illegal monopoly for the best part of a decade, making excessive profits as a result, and yet no punitive sanctions are being imposed. Yet it has long been a golden rule in the law that a criminal must not be allowed to profit from his crimes. Where someone is convicted of drug-dealing or fraud or gun-running, the courts quite rightly seize their assets. If a murderer seeks to profit by writing a book about his crimes, the law steps in to ensure he cannot make money from his notoriety. Yet in this case, the law seems perfectly happy for Microsoft to profit from their illegal activity. Despite the clear fact that this money was obtained, at least in part, by unlawful means, no action is to be taken. This seems to me wholly incompatible with the basic principles of natural justice. Microsoft have made money illegally, and they should not be allowed to retain it.

The proposed settlement is equally silent on the subject of compensation of victims. Now clearly in this case, the facts make it hard to ascertain exactly the extent of the loss suffered by any given party. Yet it is clear that there have been victims of the Microsoft monopoly. Companies like Digital Research and Netscape have been demonstrated to have suffered directly as a result of Microsoft's actions. Yet the proposed settlement is completely silent with regards to any form of redress.

On the face of it, the settlement seems primarily directed at the third element described, that of preventing the possibility of re-offending. Yet even here, despite that focus, the settlement is sadly lacking. Indeed, far from demolishing Microsoft's illegal monopoly, it seems rather to entrench it in place. Furthermore, the vagueness of the language makes it almost certain that confusion and further litigation will arise. I have a law degree myself, and I can recognise potentially litigious drafting when I see it. The proposed settlement is riddled with such language.

To take just one example, section III C 2 states that Microsoft shall not restrict an OEM from : ''Distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape so long as such shortcuts do not impair the functionality of the user interface.''

How does the court propose to define impairment of functionality ? Does replacing Microsoft functionality with equivalent non-Microsoft functionality count ? Does changing the look and feel of the desktop constitute impairment ? Would modifying permission levels or unhiding hidden files or directories count ? This kind of language permeates the proposed settlement, and is wide open to abuse and distortion. Furthermore, no part of the settlement actually addresses the problem of how to dismantle the Microsoft monopoly. The proposed settlement might be fine had it been enacted ten years ago, before Microsoft's monopoly had been established. Yet the monopoly is here, it is well-established, and different remedies are required, ones which actually encourage competition and actively seek to break up the existing distorted marketplace.

It seems to me that there are two key elements to this.. The first is to ensure that competing companies cannot be shut out of the marketplace, and the second is to ensure that consumers are able easily to migrate between Microsoft and non-Microsoft products as easily as possible. The proposed settlement goes some way towards this with its sections on OEM licensing, but this on its own is by no means enough.

To take a prime example, one of the major ways in which Microsoft locks in customers and excludes competitors is through the use of proprietary file formats. The .doc files of Microsoft Word, the .xls files of Microsoft Excel, and so on. Although there are some competing products which do a reasonable job of handling these formats, none are able to do so perfectly. A consumer, especially a large business, which has a large body of information stored in files of this type is therefore deterred from moving to a rival by the costs involved in converting from one format to another.

If the proposed settlement required Microsoft to disclose the specification for these file formats, in addition to the disclosure requirements contained in the existing proposals, then companies would be able to produce products which handled these files correctly, and consumers would be able to switch between Microsoft and non-Microsoft products at will, and could mix and match as it suited them. Possibly they might retain the Microsoft product to handle spreadsheets, but use a competing company's word processor. The important thing is that consumers would have a genuine choice, since all products would be able to handle their data.

Perhaps the most worrying aspect of the current proposed settlement is the large number of exemptions it provides for Microsoft. Microsoft gets a number of exemptions from the proposed provisions on grounds of security, anti-piracy, remote administration and various other headings. Taken together, they provide the means for Microsoft to exempt practically everything it does from the provisions of the proposed settlement. It is surely no coincidence that Bill Gates has started making speeches about how security comes first, and how security will be built into everything the company does from now on. If security is an integral part of everything Microsoft does, then everything Microsoft does can be exempted from the terms of the settlement.

Whilst it is clear that the motive behind these exemptions is a noble one, in practice they are so wide as to render the settlement worthless. In my opinion, Microsoft has forfeited the right to this kind of consideration by dint of its long history of unlawful activity. The most important thing now must surely be to ensure that competition is introduced into the marketplace, and that Microsoft has no way to continue its illegal monopoly.

In a related matter, it seems clear to me that the access provisions specified by the proposed settlement need to be radically expanded. In particular, the definitions need to be adjusted to include those companies and individuals producing products for non-Microsoft operating systems which might need to interact with Microsoft products. Provision III J 2 which allows Microsoft to determine the authenticity and viability of a business, is particularly dangerous in this respect.

Microsoft's hostility to open source and free software developers is well known. One Microsoft executive even went so far as to describe them as un-American. By allowing Microsoft to exclude developers simply because they operate on a different business model, the settlement does much to restrict one of the most vibrant and expanding areas of computing, and guarantees that a large number of legitimate users and developers are excluded from benefitting from the settlement provisions.

In summary, then, let me say this. I have neither the time nor the expertise to fully draft a proposed settlement of my own, but it seems to me that there are certain key elements that are essential if the proposed settlement is to effectively dismantle the Microsoft monopoly and introduce genuine competition.

1. Tighter drafting, with far fewer loopholes and potentially litigious language.

2. Actively seeking to promote competition and encourage consumers to exercise choice.

3. Reducing the costs inherent in converting between Microsoft and non-Microsoft products.

4. Removing the exemptions which would allow Microsoft to preserve its monopoly.

5. Ensuring that all business, whatever their nature, have access to the information they require to compete effectively.

There is one final matter which I would like to touch on. In the discussions that have occurred since the proposed settlement was published, a new word has been invented. That word is ''Seattlement''. As is doubtless obvious, it has arisen because the proposed settlement is seen as having been drafted by Microsoft for their own benefit, without any regard to the actual merits of the case. If the court imposes this settlement unmodified, it will be seen around the world as having capitulated utterly to Microsoft, and to have failed completely to regulate its behaviour or dismantle its monopoly. The Department of Justice will be seen as either completely ignorant of the realities of the case, or more likely as having been bought and paid for by Microsoft and its lobbyists.

The law is the law, and if it is to mean anything, it must apply equally to everyone. Justice must be done, and must be seen to be done. Rich and poor, large or small, all need to have equal protection under the law, or the law becomes meaningless. If this settlement is approved un-amended, it will send the signal that justice in the United States is a commodity. The more you can afford, the more you get. No money, no justice. Surely this is not the message that the court wishes to send to the American public, the American business community, or the world. So in conclusion, it is my belief that this settlement is fundamentally flawed and needs almost complete re-drafting. Not only does it do nothing to damage Microsoft's unlawful monopoly, it actively enshrines that monopoly in law. It doesn't serve the consumer, it doesn't serve the software industry, and it doesn't serve justice; it benefits only Microsoft. For the first time, the law will create a situation in which the criminal is not only allowed to benefit from his crime, but to keep on benefitting from it with the full protection of the courts.

Simon Beaver
Managing Director,
Sternmetal Horizons Ltd.

MTC–00026051

From: HARRBET2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:58pm
Subject: Microsoft Settlement

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think it is a shame that the settlement in the Microsoft case was not reached years ago. If the suit had to be brought at all. Microsoft is a successful company, which has led the world into a new era, improved the balance of trade, improved efficiency, and increased the ease with which ordinary people use technology. There have always been choices for people who prefer to use non-Microsoft products. Apple has made its own products-both hardware and software-for anyone who wants to get locked into that single, closely guarded system. Or someone could have tried to use a Unix system at home. But people wanted to use Windows. Microsoft has always been honest and conservative in its financial dealings. Why should we tear Microsoft apart, when it has been so beneficial?

To bring a close to this very distracting and expensive suit, Microsoft has compromised a great deal of its rights. Internal interfaces and server protocols of Windows will be divulged publicly. Exclusive marketing agreements will be allowed to lapse. The Windows desktop will be made fully re-configurable by non-Microsoft companies. Software experts in a technical committee will observe Microsoft's conduct, software and practices with an eagle-eye. This is heavy stuff. Microsoft has not gotten off lightly at all. Only by returning its focus back to accelerated innovation, as directed by its founder, Bill Gates, can Microsoft continue to survive and lead as it has done so well in the past.

The best interests of the American computer sector and the American economy as a whole will be served by the Federal Court's approval of the settlement. Please support this settlement, Mr. Attorney General.

Sincerely,
Betty Harrell
8215 S.W. 82 Place
Miami, Florida 33143
CC:fin@mobilizationoffice.com@inetgw

MTC–00026052

From: Jurrinus ten Brinke
To: Microsoft ATR
Date: 1/26/02 12:59pm
Subject: Microsoft Settlement

The question is will we be better off?

I am an avid Microsoft developer for many years. There is a reason for choosing Microsoft and that is they are the best game in town and always have been. They make it possible for me to develop products for my clients that make their computers usable. Their products put us in the lead. If I had to develop the same products using Sun the cost to my client's would be much higher.

This battle between Microsoft, Netscape, Sun, Oracle is nothing but a bunch of overgrown kids wanting to be the best. You cannot tell me that this antitrust will be over once we punish Microsoft. Downgrading Microsoft at this time will create a vacuum were these other companies can move into. That's what they want. They can't do it in the market place so they are letting the government do their work for them. Don't put your antitrust arguments away cause you will need them again. The end result will be a software industry in ruins. Want examples just look at the airline industry and the telephone industry and tell me we have done well. Have they made it easier for me to fly and make phone calls. What a mess.

Lets stop this now cause your wasting my tax dollars and lets move on. As long as Microsoft returns their profits back into our society through better products and charity, keep their prices and license cost within reason then let it be.

Jerry

MTC–00026053

From: GBauer4966@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:00pm
Subject: Microsoft Settlement

Stop trying to destroy Microsoft. It is good that here is a standard type system so programs are compatible.

MTC–00026054

From: GEORGE D FRENCH
To: Microsoft ATR
Date: 1/26/02 1:02pm
Subject: microsoft settlement

Enough is enough. The trial has cost the public enough of our taxes. To further spend taxes because some companies have not been smart enough to compete is to further their lack of competition in a highly competitive field. I feel that the states are suing only to try to get some of Microsofts funds, not because the states have been harmed.

Thank you. George French.

MTC–00026055

From: NKozimor@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:03pm
Subject: Microsoft Settlement

Dear D. O. J. Representative:

I find it maddening that in this time of recession and war, the United States Justice Department has nothing better to do then to waste our money on pursuing a frivolous law suit that was brought on by politics and soft money! How foolish we must look to the rest of the world!

Nick Kozimor
Mansfield, Ohio

MTC–00026056

From: Lynn and Nancy Trowbridge
To: Microsoft ATR
Date: 1/26/02 1:02pm
Subject: Microsoft Settlement

Dear Sir: Attached please find a letter in relating to a case currently under review in your office. I appreciate your careful consideration of my opinion regarding this case. The letter is in Microsoft Office97 Word format.

Very truly yours,
Lynn M. Trowbridge, Ph.D.
1211 Ames Hill Road
Brattleboro, Vermont 05301–4254
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to address the recent decision reached by Microsoft and the Department of Justice. As everyone is aware, the Department of Justice brought an antitrust suit against the company. I am now retired, but my professional life was spent as a software programmer/manager contracting services to the Federal government in Washington, DC I am well aware of the quality of computer products and believe my comments to be relevant.

Microsoft produces the best commercially available operating system in the country. There are other companies that offer, in my opinion, better software products in other categories, and I am free to use them as I see fit. Microsoft, while it dominates part of the market, dominates that part because it produces a number of excellent products. It does not dominate the entire software market. To punish a company because they make quality products is uncalled for and unwise. Microsoft has contributed mightily to this country's understanding of computers, making them accessible to the average layperson, and, in return, the company has profited. This is entirely in keeping with the American free-market system.

I am happy to see that Microsoft will not be broken up under terms of the settlement. In my opinion, however, Microsoft is being suitably punished for alleged unfair practices. The company is disclosing internal interfaces and protocols to competitors, agreeing not to retaliate against software developers who develop or promote software that competes with Windows, and forming a three-person team to monitor compliance with the settlement.

Although the court decisions are perhaps flawed and the punishments may not be fully justified, immediate settlement of these suits is definitely in the best interests of the public. I take a strong stand against further litigation and hope the government will bring the recently reached settlement to fruition and move on to the solution of other more important national problems.

Thank you.
Sincerely,
Lynn M. Trowbridge, Ph.D.

MTC–00026057

From: Demetrious(u)Harrington
To: Microsoft ATR
Date: 1/26/02 1:04pm
Subject: Anti Trust Case

Hello,

I do believe that the proposed settlement is nothing but a slap on the rists to Microsoft. There is nothing that really limits the stregth of the monopoly. The charges that brought Microsoft to court will not be resolved at all I believe.

demetri

MTC–00026058

From: jan smith
To: Microsoft ATR
Date: 1/26/02 1:04pm
Subject: Microsoft Settlement

I agree with the settlement agreement made between DoJ, 9 States and Microsoft. Please settle it and get on with life.

Thanks for considering my opinion.
mjann@home.com

MTC–00026059

From: Ray Petrone
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft and Ladies and Gentlemen:

Let me start by quoting verbatim from Section 3. of the Complaint against Microsoft as posted: ''There are high barriers to entry in the market for PC operating systems. One of the most important barriers to entry is the barrier created by the number of software applications that must run on an operating system in order to make the operating system attractive to end users. Because end users want a large number of applications available, because most applications today are written to run on Windows, and because it would be prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows, a potential new operating system entrant faces a high barrier to successful entry.''

Yes, there are high barriers to entry in the market for PC operating systems just as there are barriers in the auto manufacturing industry and others. Yes, I understand that there are several major competitors there but General Motors was the dominant player until GM's lack of vigilance and natural free market forces changed that situation over the last one or two decades.

Oracle has enjoyed a somewhat different but similar position in the market for corporate databases. The issue of applications was similar but the advancement of middleware and market

demand for an abstraction layer for access has leveled that playing field. UNIX and its variants were supposedly going to be the only viable operating system of the future. Linux still thinks it is viable and even superior but the public by and large doesn't seem to agree despite the protestations by Linux authors and advocates claiming plenty of applications. Finally, many feel that AOL (including the Netscape merger entity) may have a similar market position which may be the ultimate irony since their Netscape subunit was a prime influence in this suit being brought against Microsoft. I have heard AOL customers say they feel trapped by simple things like their email address on AOL known to their friends. Recall that AOL doesn't providing a forwarding service like phone companies and the US Mail Service (shouldn't they by law?).

I feel you give far too little credit to natural market forces in your evaluation of evidence and make far too much of what little evidence I have seen or read. Have you no faith in our free market society as prescribed by law? And you give far too much credit to a few snippets of emails out of tens of millions of words calling them a pattern of abuse and misconduct. Have you considered that it is our free market system that has created the giant software company known as Microsoft through natural selection of the vast majority of commercial and home customers? It is yet another irony that the DOJ was able to create a successful case in part because it uses Microsoft products that enhance productivity and collaboration. And is it not evident that application developers prefer to write applications to a single platform or interface. Indeed, there are still many companies fairing quite well by writing non-portable applications to COBOL on IBM's former MVS platform. Please recall the near revolt in the 70s when IBM switched its commercial customers (were no home customers then because there was no Microsoft DOS or Windows) from IBM DOS to MVS as the new Mainframe standard? Some customers switched to competing vendors. Some swore to get revenge no matter how long it took while others made the move kicking and fighting because of the mountain of work needed to port applications and JCL.

Moving on to Section 5. of the Complaint—verbatim text is here for reference: ''5. To protect its valuable Windows monopoly against such potential competitive threats, and to extend its operating system monopoly into other software markets, Microsoft has engaged in a series of anticompetitive activities. Microsoft's conduct includes agreements tying other Microsoft software products to Microsoft's Windows operating system; exclusionary agreements precluding companies from distributing, promoting, buying, or using products of Microsoft's software competitors or potential competitors; and exclusionary agreements restricting the right of companies to provide services or resources to Microsoft's software competitors or potential competitors.''

Your case for tying seems weak at best, I think the Appeals Court said that before me. There were times when Microsoft had to work hard to disengage agreements involving ''BUNDLING '', at the OEM's request, (not tying) Windows and Office. Competitors like Compaq and HP cried foul and I have seen the email and such complaints personally. I fail to see where you proved the rest of the allegations in this section but let's assume that you did since the courts would seem to agree and that is the way our system works. Let's set aside the lower court Judge's misconduct as well.

Moving on to Section 10. of the complaint and I quote again verbatim: ''10. To respond to the competitive threat posed by Netscape's browser, Microsoft embarked on an extensive campaign to market and distribute Microsoft's own Internet browser, which it named ''Internet Explorer'' or ''IE.'' Microsoft executives have described this campaign as a ''jihad'' to win the ''browser war.''

Yes, they did, didn't they. I heard it personally. And John Young at HP and Larry Ellison at Oracle and Scott McNealy at SunMicrosystems Steve Jobs of Apple and countless others have used equally eyebrow-raising ''battle cries'' that incorporate words such as ''crush, kill, demolish, life-and-death struggle'' and so on. Perhaps it isn't in good taste, particularly after events of this past year. That could be debated endlessly. This is done so routinely at American Corporate Sales Meetings that it makes this citation almost laughable. Such invocations are meant to be motivational and that is obvious to even the most casual observer. Occasionally, some poor soul might take to levels only expected from a cult member. Microsoft's employee handbook specifically warns employees not to engage in unethical or illegal acts when competing with termination as the consequence.

The difference between corporate euphemisms like these and statements by governments is this. When governments speak of killing that is precisely what they mean. If you wish to represent the American people fairly then please refrain from such citations in the future. I believe the DOJ should tone down the rhetoric and make better use of its time and our money. One could dissect each section of the complaint, findings and judgment of the Appeals Court but then that individual would be guilty of over-pursuing this matter in the same way that has been done by the DOJ in my humble opinion. Ladies and gentlemen, the ''foul'' that has alleged just isn't felt by the majority of the public, or if it were, individuals would rush in droves to Linux and its followers who claim application compatibility without any significant reservation.

I cannot finish without commenting on one section of the Competitive Impact Statement (from the Overview of Relief) .–.–. (Microsoft) .–.–. 1) undertook a variety of restrictions on personal computer Original Equipment Manufacturers (''OEMs''); (2) integrated its Web browser into Windows in a non-removable way while excluding rivals; (3) engaged in restrictive and exclusionary dealings with Internet Access Providers, Independent Software Vendors and Apple Computer; and (4) attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies that threatened Microsoft's operating system monopoly. Here is a point-by-point response:

1) Maybe. So far, this is a so-what since Contracts are restrictive by definition from my recollection of Business Law.

2) Integrated its browser in non-removable way? Similar to the radio in my car? No. It's easier to add a browser than a new radio and much cheaper as in ''free'' thanks to free enterprise, Microsoft and the former Netscape now part of AOL.

3) In the matter of Microsoft's dealings with Apple, let the record reflect how Microsoft kept Apple financially viable with loans ($350M?) and the last version of Microsoft Office for the Mac.

The latter charitable act made, at best, only modest economic sense for Microsoft from what I can.

4) Our IRS in very simple matters involving small sums probably routinely usurps its power far more than the instances I have seen the DOJ cite. As for subverting Java middleware, you give too much credit to Microsoft and too little to SunMicrosystems from what I hear from dozens of developers I know. At long last in conclusion, I urge you to take the settlement as it stands and move on. Yes, it would have been nice to have another billion in software, services and so on for our poorest schools but we've lost that chance, haven't we. We will have to count on the oft-demonstrated philanthropy of Mr. Gates and Microsoft employees and Alumni to make up for that loss and, to an extent, they will although the concentrated consulting assistance will be hard to replace with a volunteer effort. (Are there plans to investigate the illegality of all corporate donations to schools where a smaller competitor is a vendor?) Again, please just move on and count this one in the win column at your press conference.

Sincerely,
Raymond Petrone, P.E.
Concerned Citizen
Diligent Taxpayer
Honorably Discharged Member of the Armed Forces
Vietnam-era Veteran
Donator of Time to Georgia's Universities (partly from the knowledge gained at Microsoft)
Former Microsoft Employee

MTC–00026060

From: BIlly J. Fite
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: Microsoft Settlement,

To who it may concern,

The suite, against Microsoft should not have happened,at all.

The suite was not in the best interest,of the general public, and the government, businesses, of all kinds, earthier.

It is not Microsofts fault, that they are way ahead of there competitors,and get there product on the market, before the others do.

If it had not been for all of the smart people,at Microsoft, in getting there technology,in the soft wear world, where would we all be today,with our computers etc., if we had to wait on the other soft wear people, to get the products on the market to us?We would be years behind,in getting this soft wear, for our computers.

The suite, against Microsoft was just a way for a lot of people to get there hands on

money,that they DID NOT EARN,because they were so far behind in there planning and thinking, that they could not keep up, with the smarter people, that Microsoft had the smart to hire, that was superior people in laying out the programs, for Microsoft.

So get off of your DUFFS, and throw out this OUTRAGEOUS SUITE, for it has cost everyone a price,in some way, and it is stupid.

I do not think, that you should punish anyone, for there progress, just because the others, are not SMART ENOUGH to keep up. The faster that we can get, the kind of products,that Microsoft brings to the market place, the more it helps all of us, to advance, faster in the growth of our businesses, so we can get our products to the market place faster and cheaper, and that saves us all money, and can have a larger turn over, and maybe put more people to work,which puts more money in the hands of more people to have more buying power, for there families,and that is what keeps our economy turning, at a safer, and easier pace.

For the betterment of our Country, and all the people,Throw the thing out, and DROP All Charges,and get back to Business, for this thing has not only cost Microsoft a lot of money,but also all of the people, that use and need there kind of products,and will just drive the price of the products up, to the people because of the cost, of all of the special interest people,trying to make a fast buck,off of some one elses progress,because it is just like all of the BULL,that was brought on the Tobacco Industry,and has cost us all dearly, in higher prices and TAXES and the money made on that deal, never ends up in the hands of the hospitals, etc., to treat sickness so called cause of some of the peoples sicknesses.

What kind of Bull are we going to come up with NEXT,that will cost the people, while it makes all of the Lawyers and others RICH. So DROP It.

Sincerely,
Billy J. Fite

MTC–00026061

From: Lee Murdoch
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: microsoft settlement

I am very much in favor of completing the Microsoft settlement. I am an Apple computer user and Apple has been injured in the past—but that has been settled and both have moved on. Sun, Oracle, and AOL need to move on—create some value for their customers. Poor AOL with 30 million subscribers!

Meanwhile Microsoft continues to bring useful affordable software to market despite all of the sideshow.

Our economy is struggling, we have apparent outlaws running an energy company in Texas and and an auditing profession in serious need of repair and reform. Seems like the Microsoft situation pales in comparison. They make good products, they take care of their employees and sponsor philanthropic endeavors around the world. Maybe just not enough in Washington DC!

Seems like the DOJ needs to re-focus—and perhaps help the courts to do the same.

Lee Murdoch
205 Mariposa
Medford, OR 97504
CC:Diana Murdoch

MTC–00026062

From: Tomlinson David C4C CS14
To: Microsoft ATR
Date: 1/26/02 1:07pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00026063

From: Gordon Haverland
To: Microsoft ATR
Date: 1/26/02 12:47pm
Subject: Microsoft Settlement

Hello,

I suspect you are getting a lot of feedback from non-US citizens, as this proposed settlement does effect people outside the United States. I am a Canadian.

I've read a lot about various peoples opinions of the proposed settlement, both learned and popular. I tend to agree that the proposed settlement will be ineffective. I can also see the point where structural remedies may not work either.

I believe that Microsoft has amply demonstrated over the years, that it is never happy having a partial share of any market. It has run roughshod over numerous businesses and industries, all in a quest to ''own'' the market. At present it has 90+% of the PC operating system market and probably 90+% of the ''office suite'' market. It has a major portion of the business networking market (services offered by NT to business LANs). It has entered the information market by forming a partnership with NBC, the Personal Digital Assistant (PDA) market, the home consumer game market. It seeks to enter the music market and the Internet services (.NET) market. And those are just the markets that come to my mind, there may be more. Even with''just'' those markets, if Microsoft follows past practice and grows to effectively ''own'' all of those markets; are there any governments strong enough to control their actions any more? I don't think so. I think the effort has to be made here and now to effectively rein in this behavior of Microsoft.

I think there are two things that need to be done. Microsoft has made a LOT of money by bullying companies. Someone has proposed numbers, but I think if we said something on the order of $100 billion (10 − 11) US dollars, we would be close. I think Microsoft should be fined that much money; to demonstrate to all that it should not be allowed to keep the proceeds acquired by abusing a fair market. Also, I think a definite limit should be placed on Microsoft (and others) as to just how large a market share they are allowed to acquire in a market which has (or had) competitors. Being an engineer/scientist at heart, I'll pick exp(-1) (approximately 37 percent) as a limiting fraction, but I can even see arguments for allowing more than 50%, where I would suggest exp(-0.5) (approximately 61%) as an appropriate limit.

Thank you for your time.

Gordon Haverland, B.Sc., M.Eng., P.Eng.

MTC–00026064

From: Cam Taylor
To: Microsoft ATR
Date: 1/26/02 1:08pm
Subject: RE: Microsoft Settlement
Deadline Looms for Public Comment

Next Monday, January 28, 2002 is the deadline for submitting my opinion to the Department of Justice on the antitrust settlement between Microsoft, the DoJ, and nine states.

While the terms of the settlement are tough, Microsoft and I believe they are reasonable and fair to all parties, and meet ? or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft, the country and the industry to move forward.

Even though the DoJ, 9 states, and Microsoft have agreed on the terms of the settlement, I realize final adoption is not guaranteed. Many of Microsoft's competitors, as well as some of the Attorneys General who did not join the settlement, oppose the agreement and have worked during this period to generate public comment urging that it be rejected.

I urge that the DoJ approve the settlement and this matter be put behind us. Thank you for your consideration.

Cam Taylor, 6577 Upper Lake Circle, Westerville, OH 43082–8126.
ctaylor@ee.net

MTC–00026065

From: RICK MARCINIAK
To: Microsoft ATR
Date: 1/26/02 1:09pm
Subject: Microsoft

Let's get on in life. Settle the damn thing. No company has done more for America the past 10 years. The vote was 41 states for and 9 against. That speaks for itself. There is never a deal that all sides agree on.

I'M FOR MICROSOFT !

MTC–00026066

From: Robert Winterhalter
To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement

As a member of the IT industry, I can only say that I am concerned with the proposed settlement in the Microsoft Antitrust case. It disturbs me greatly because it doesn't seem like it does anything to either a) actually curb Microsoft of their illegal activities, or b) make any effort to correct what their abuse of monopoly power has done to the computing industry. In fact, the proposed settlement seems more like an affirmation that their abuse of monopoly power is okay. What disturbed me most during the whole trial was Microsoft's unwavering assertion that they never did anything wrong. Further, the proposed settlement seems like it would only aid Microsoft in its continued abuse of monopoly power.

Thank you for taking this into consideration.

Robert Winterhalter
Microcomputer Support Specialist II
Eastern Michigan University

MTC–00026067

From: Lawrence Day

To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement
To: United States Department of Justice
From: Lawrence Day, 1539 W. George St.
Chicago, IL 60657

As a concerned citizen, I strongly recommend everyone involved in the Microsoft case, to put an end to the lawsuit by accepting the proposed settlement. It will do so much for all communities, especially those who need it most. I do not understand why these nine states, where other main software companies are located, continue their pursuit of Microsoft. The longer this goes on, the longer it will take to help the children the settlement is suppose to help. It will also save American tax dollars.

Litigation is expensive!

Microsoft has done a lot for me personally. It has given me the ability to spend more time with my family by making it easier and faster to do the paperwork required at my job. It used to be so burdensome. Now by using Microsoft Office, I can automate some of it. I can't understand how myself and other consumers have been hurt by this company.

Please relay this information to the Judge and any other parties that can help.

Thank you very much.

Sincerely,

Lawrence Day

MTC–00026068

From: Betty H meng
To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement

Let's get the real meaning in ALL anti-Trust cases—The market place is where these companies must and should compete—NOT IN THE COURTS— Microsoft wins with consumers—making a farce out of these anti-competitive lawsuits !!!!!!!! the Wall Street Journal said the biggest asset AOL has is what AOL hopes to get from suing Microsoft—I hope our legal system will throw this case and any others OUT and bring status back to our legal system.

Thank you—Brig Gen William J Meng, (USAF Ret)

MTC–00026069

From: AAddon343@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:14pm
Subject: Microsoft Settlement

I totally disagreed with the Government's unnecessary and unwarranted prosecution of Microsoft in this case. Microsoft was just being competitive and the other companies couldn't compete and were sore losers. It is a perfect example of the Government run amok.

However, since Microsoft and the Government have agreed to settle, it is probably the best possible deal for all concerned. Further litigation would only prove to be counterproductive and will only drag the issue out for innumerable years to come. Therefore, I support the settlement, not because it is the right thing for Microsoft to do, but it will get this absolutely silly prosecution behind them.

Anthony Addonizio
AAddon343@AOL.com

MTC–00026070

From: TL
To: ''microsoft.atr(a)usdoj.gov.''
Date: 1/26/02 1:19pm
Subject: Microsoft Settlement

DOJ,

Microsoft has owned up to its end of the bargain and shown in good faith to come to an acceptable bargain. I think what bothers me most is the fact that our great nation was built on the prospect of business and the freedom to conduct that business in a free nation. We've come a long way in industry from seeking mere quantities to focused quality. Microsoft products are used in just about every aspect of business and government today. It's not because it's the only game in town, but rather the quality it offers to customers. Would be fair to say that any corporation in competition with each other are obligated to have its competitors products included? The consumer has choices, choices built on the principles of freedom. The settlement is fair and for all parties involved.

MTC–00026071

From: reddog@stonemedia.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:12pm
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,
David Dace
72 Sobrante Rd
Belton, TX 76513–6566

MTC–00026072

From: pastordrdave@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:13pm
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,
David Moseley
667 Sunrise Dr.
Phillipsburg, KS 67661

MTC–00026073

From: Dan Mayer
To: Microsoft ATR
Date: 1/26/02 1:18pm
Subject: Microsoft Settlement

'While the terms of the settlement are tough, they are reasonable and fair to all parties, and meet -or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.'

Thank you!
Dan Mayer

MTC–00026074

From: Jennifer Bergens
To: Microsoft ATR
Date: 1/26/02 1:17pm
Subject: Dear Sir or Madam,

Dear Sir or Madam,

I wish to express my disapproval of the proposed settlement with Microsoft.

Sincerely,
Jennifer Oquist

MTC–00026075

From: Ruth Swern
To: Microsoft ATR
Date: 1/26/02 1'18pm
Subject: Microsoft Settlement
856 KILMER LANE
NORTH WOODMERE, NEW YORK 1158 1
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear My. Ashcroft:

I think the recent antitrust settlement between the US Department of Justice and Microsoft is fair and just. I also think it is in the best interest of the states, the IT sector, and the economy to have this issue settled and allow the government to focus on more important issues such as education and security.

Under he terms of the settlement them are a couple points I strongly agree with. One forming a three-person team to monitor compliance with the settlement, and two, disclosing internal interfaces to competitors of Microsoft; these the aspects of the settlement will punish Microsoft sufficiently and ensure that competition is increased in the marketplace.

I sincerely hope that opposition subdues quickly because I look forward to seeing new products and service from Microsoft, a company that has led the technology industry and grown at rapid mtc over the last decade. Thank you for your time.

Sincerely,

MTC–00026076

From: Andrew Morrisey
To: Microsoft ATR
Date: 1/26/02 1:17pm
Subject: Microsoft Settlement

I am very concerned that this settlement has gone on for nearly four years and may still be at risk of not being resolved in a timely manner.

I have been involved in the Information Technology industry since 1981 and have seen significant advances and innovations over the years from all major vendors such as SUN, Oracle and Microsoft. I have also seen technology help advance large enterprises, governments, health and industries in such fashion to enable them to increase productivity, decrease operating expenses, increase partner interactions and improve corporate America. More importantly Information Technology has made a very positive impact on the economy in North America and abroad.

However; this legal case has severely impacted many businesses and people around the world by diverting our attention to brace for major un-necessary changes to one of the key players in the industry (Microsoft). This case needs to be resolved quickly and fairly so we can ''Get on with business'' and begin to focus our attentions on stimulating the economy back to normal in a very different America.

I have read the latest settlement and I believe it is fair and reasonable to all parties involved and I am looking forward to a final settlement in a timely manner.

Andrew Morrisey, I.S.P.

Vice President, Atlantic Region

Qunara Inc. (formerly The EXOCOM Group Inc.) & Microsoft Developer Network (MSDN) Regional Director, Atlantic Canada

* Voice: 902–491–4480 * Fax: 902–422–8901

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MTC–00026077

From: Ric Denton
To: Microsoft ATR
Date: 1/26/02 1:19pm
Subject: Microsoft Settlement

—A consumer view

Dear Judge Kollar-Kotelly:

The following are my own personal views as a regular user of Microsoft application software (Microsoft Outlook, Word, PowerPoint, Excel). The details provided below lead me to make the plea that Microsoft should not be able to use its Operating System Monopoly to freeze out competing application software packages. This means that any settlement needs adequate legal enforcement teeth to ensure the viability of competing application software packages. To accomplish this, there likely needs to be a true ''wall'' between the Operating System group and the Microsoft applications groups, or even a company breakup to ensure needed competition in applications software.

My view is based on some very simple and obvious considerations. Specifically, I am constantly dismayed at the poor quality of key features in Word, PowerPoint, and Excel. Their drawing packages in these applications are definitely not WYSIWYG (What you see is what you get.) This leads to countless wasted hours to do draw and paste, and redraw and repaste, to arrive at acceptable results. The documentation (Help functions) on these packages is also deplorable. If Microsoft chooses to publish such deficient software, that is of course their choice, but it dismays me that viable alternatives are not available. In the real world no application software developer is able to fairly compete with the Microsoft juggernaut, given the operating system monopoly that Microsoft enjoys.

It is my opinion, based on both the above reality and on my following of the news, that Microsoft will continue to exploit its operating system monopoly as it launches into new applications areas. I gather that these problems fall under the category of ''bolting'' of operating system/application software.

I have also read that there are related issues in Microsoft's use of hidden controls in their middleware. Further, I have read that Microsoft has communication protocols embedded in their operating software or middleware that would freeze out competition. I do not have the expertise to evaluate this, but these are the kind of practices that would give Microsoft an unfair competitive advantage.

Any application software developer would need the same access to operating software, at the same time, as Microsoft-internal developers if there is to be a level playing field. It strikes me that this is the minimum requirement that should be expected.

Thank you for the opportunity to express my views as part of your deliberation process.

Sincerely,

Richard V. Denton rvdenton@earthlink.net

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00026078

From: David Turover
To: Microsoft ATR
Date: 1/26/02 1'19pm
Subject: Microsoft Settlement

To all whom it may concern,

I wish to express my displeasure with the weakness of the proposed settlement in the Microsoft antitrust case.

I am a 22 year old student majoring in Computer Information Science at junior college. I have been a computer user since the age of 6, and have been aware of the computer industry since 1995. I have used Microsoft products and consider them generally well developed, and I have also used alternatives to Microsoft's products including BeOS and Linux. I currently use a variant of the University of California's BSD Unix operating system and maintain my parents'' Windows 98 based computers. I have had no employment by nor relations with Microsoft or its competitors other than having been a user of their products.

Microsoft has committed certain crimes for which Microsoft should be punished. These crimes have harmed competitors of Microsoft, and consumers have been harmed by the lack of innovation due to the unnatural downfall of Microsoft's competitors. Although some or many of Microsoft's competitors would have failed in the free market without any illegal actions needing to be be taken by Microsoft, the eventual natural failure of any of these companies should not relieve Microsoft of punishment for using illegal methods to hasten their downfall.

Microsoft has a long history of using illegal, immoral, and disreputable acts to deprive its competitors of the right to compete in a free market. When the government has attempted to enforce its laws by binding Microsoft to agreements to not break the law in certain ways that Microsoft had broken the law, Microsoft has then broken the law in other ways and claimed innocence because the contracts did not explicitly forbid breaking the law in this particular new way. Without any reasonable threat of serious punishment, all further such contracts are certain to be flouted in the same manner, and the failure of the government to seek additional punishment against Microsoft for failing to abide by the earlier consent decrees, especially after the government has already pressed and won its case, shows a lack of willpower to enforce the terms of the existing agreements. By their previous conduct, it stands to reason that Microsoft will exploit this lack of will to enforce the law.

Following are descriptions of a few of Microsoft's better known acts as examples of the company's general behaviour: When there were equivalent alternatives to Microsoft's Disk Operating System and Microsoft Windows was not an operating system but a separate application product, Microsoft introduced a programming routine into a version of Windows that would detect whether it was running on one of these alternate operating systems and if so print a message stating that an error had occurred.

Microsoft distributed this version to technology writers and enthusiasts who took the message to mean and reported it as meaning that Windows might not run well under any operating systems other than Microsoft's, a notion that Microsoft had been actively spreading at the time. (Examining the Windows AARD Detection Code, Dr Dobbs Journal, 1993) Microsoft has paid employees and outside agencies to write letters to the editors of newspapers and magazines, and more recently to the States'' attorneys general pursuing cases against Microsoft, pushing a pro-Microsoft viewpoint while claiming to be independent; and Microsoft employees have posted pro-Microsoft messages to Internet newsgroups and message boards while claiming to be independent. (Microsoft Plans Stealth Blitz to Mend Its Image, Los Angeles Times, April 10, 1998; Also the Phil Bucking and Steve Barkto incidents, and the recent letter writing campaign from the grave to state attorneys general) Given this history, it should be

expected that some of the public comments on this issue are from people and organizations paid by Microsoft to write or from people directly influenced by public relations companies paid by Microsoft.

During the time of the ''Browser Wars'', the installation routine for most Microsoft products would also install Microsoft's Internet Explorer web browser without asking for the user's permission and regardless of whether Internet Explorer was a requirement for whatever product was being installed. Microsoft also threatened computer makers with the revoking of their license to sell Windows unless the computer makers stopped installing products that competed with Internet Explorer. Microsoft's famous investment in Apple came with the condition that Apple would drop Netscape's Navigator web browser and instead make Microsoft's Internet Explorer the only browser offered on systems it shipped.

Microsoft has begun patenting routines needed for programmers to write software that is compatible with Microsoft's software, and has forced programmers to remove such compatibility. (Microsoft Patents ASF File Format, http://www.advogato.org/article/101.html) While this is their right, it makes compatibility with Microsoft software impossible.

Microsoft and its representatives perjured themselves repeatedly during the trial under Judge Jackson, and Microsoft produced and presented as evidence a doctored video demonstration purporting to illustrate the effects of certain changes to Windows 98.

Microsoft in its actions has shown itself to be a criminal organization with little respect or regard for the laws of the United States of America, little respect or regard for the truth, and with little respect or regard for the freedom of the marketplace.

To decide upon a punishment, the main end must be to prevent and discourage Microsoft from continuing to carry out further criminal acts. It is less important to make reparations towards consumers and competitors harmed or to consider the economic impact of the punishment. The result must also treat noncommercial computer users and programmers, such as hobbyists and universities, as fairly as businesses are treated.

A fine is the most obvious method of punishment against a business. However, a fine absent of other punishment will do nothing to prevent Microsoft from continuing to carry out criminal acts as Microsoft has enough liquid assets on hand to painlessly pay any but the most extreme fine.

Another consent decree may be necessary to state specific violations of the law that Microsoft has committed. This would come with two caveats: It must not leave open the possibility of allowing Microsoft to violate the law in ways which other companies are not permitted without government favour, as many contracts between government and businesses do; and a consent decree absent of additional punishment will not dissuade Microsoft from continuing to carry out criminal acts, as earlier consent decrees have not.

The removal of Microsoft's government granted trade protection, in the form of copyrights and patents, on certain of their products is another option that could be considered. A similar option to be considered is the seizure of certain of Microsoft's trade secrets and their release to the public domain. A severe form of punishment along these lines, which has not been used against a major business in recent history, would be the revocation of Microsoft's corporate charter and right to do business within the United States.

Some have suggested that Microsoft's source code be released under the GNU public license used by the Free Software Foundation. I do not agree that this is appropriate, as the benefits would nearly exclusively be towards hobbyists. It has also been suggested by the States that Microsoft be made to make its Office suite of products capable of running on operating systems that compete with Windows. Again, I do not agree with this proposal as, while Office has a monopoly sized user base and is a major source of Microsoft's revenue, it is not the focus of the case against Microsoft and several able competitors exist.

Microsoft has offered, as a settlement to one of the cases against it, to present computers running its software to the nation's public schools at its cost. As schools contain a large number of computers running Apple hardware and software, and these computers would be replaced by the Microsoft computers, such an offer in fact benefits Microsoft rather than punishes and as such should not be considered.

Since the core of the case is about Microsoft embedding products into their Windows operating system, and a major complaint in the industry is of the difficulty of attaining compatibility with Microsoft's operating system, I suggest that the punishment include the seizure and placement in the public domain of all the source files within the development branch of the Windows operating system current to the date of the new decision, including the source code to all programs and libraries that Microsoft considers a part of their OS and is included with Windows in sales to consumers and OEMs. In addition, Microsoft should be stripped of ability to use their patent protections to prevent others from developing products derived from the publicly released source code.

This would punish Microsoft by allowing others to immediately build and distribute operating systems equal to Microsoft's and in doing so threaten Microsoft's market position. With OEMs able to build their own Windows-like systems, most of the points in the proposed consent decree become moot. The process of making products compatible with Windows and its associated programs would be greatly eased with the metaphorical blueprints to Windows publicly available.

Whatever solution is decided upon, it must hold to these points: Microsoft must be given a punishment, not simply a warning, as they continue to ignore prior warnings given them; the punishment must take into account Microsoft's positions of monopoly power and where they have abused this power to muscle into other industries as relevant to the court case; the punishment should favour consumers and the marketplace over Microsoft or a few of its competitors, while not discouraging innovation or competition against Microsoft. Fairness towards Microsoft is unimportant as fairness is more than Microsoft has given others.

With respect and regards,
David M. Turover
Petaluma, CA

MTC–00026079

From: William G. Robinson
To: Microsoft ATR
Date: 1/26/02 1:22pm
Subject: I have reviewed the settlement and

I have reviewed the settlement and urge the DOJ to accept it. I feel that the carping by a number of other manufacturers is just ''whistling in the wind,'' including those states who reject the offer and mine is one of them. I am a former aircraft company executive who is now retired.

William G. Robinson
Topeka, Kansas

MTC–00026080

From: Mary Bertogli
To: Microsoft ATR,tormist@ag.ia.us@inetgw
Date: 1/26/02 1:22pm
Subject: Microsoft Settlement
January 26, 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 writing this letter to ask that you reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. My concern is that your agreement with Bill Gates'' company does nothing to neither rectify past sins by this company nor protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I strongly agree with my state's Attorney General, Tom Miller, and the action taken to reject this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Mary E. Bertogli
3507 Southern Woods Dr.
Des Moines, Iowa 50321
CC: Iowa Attorney General

MTC–00026081

From: DSeeryUMC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:21pm
Subject: Microsoft Settlement
416 Maren Street
West Hempstead, NY 11552
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to have my opinion entered in the public record in full support of Microsoft. I understand the terms of the settlement Microsoft has agreed to, and feel that the Justice Department has no other choice but to make the settlement final, for the good of the people. The settlement is extremely fair to all of Microsoft's rivals and gives them a more level playing field to compete within the ever-changing computing and software industry. Microsoft's competitors will be able to give computer users the choice of using Microsoft or non-Microsoft software features within the Windows operating system.

I have followed this case for some time, watching and waiting for something to happen to resolve this issue. The Justice Department has slapped Microsoft in the face for the past three years for being more successful than any corporation. This is not the first time a company has been legally stopped by the government, and I am sad to say, it won't be the last. So much money and government, public and private resources have been squandered trying to prove Microsoft has operated unfairly as a monopoly. What Microsoft has done is give the world incredible software technology that has helped ever day lives and businesses run more efficiently and increasing productivity. The competition has to date, not been able to produce anything close in comparison to Windows.

Sincerely,
Richard A. Seery ??. Mary P. Seery

MTC–00026082

From: O Trapp
To: Microsoft ATR
Date: 1/26/02 1:28pm
Subject: MICROSOFT SETTLEMENT

Greetings,

I am writing in response to the opportunity that the interested public has in the Microsoft Settlement. There are several issues that have bothered me thoughout this case. Many times in the past, Microsoft has blantently ignored ethics in their interaction with competitors.

I was very sorry to hear that Microsoft had done whatever they had done to get the Dept of Justice to cancel the court planned split-up of Microsoft. Now I have read that once again Microsoft has acted as though they are above the law, perhaps because they have the money to attempt to buy what they want. I request that the courts require full disclosure from Microsoft of all contacts with the government under the Tunney Act .

For the record, I own substantial shares of Microsoft. I truely wish they were more ethical in their pursuit of business and would not repeatedly act as if they were above the law.

Sincerely,
Orlin D. Trapp
501 Portola Road, #8143
Portola Valley, CA 94028–7604

MTC–00026083

From: g.osborn@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:28pm
Subject: Microsoft Settlement

Justice Department,

Consumers interest have been well served and it is time to end this costly and damaging litigation. Continuing this legal battle will only benefit a few wealthy competitors, lawyers, and a few special interests.

Sincerely,
George and Mary Osborn

MTC–00026084

From: Moondog123@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:29pm
Subject: Microsoft settlement

Urge you to expedite and approve proposed antitrust settlement between DoJ, 9 states and Microsoft in the interests of the the consuming public. Lawsuits of this type hinder competition, and the innovation that the U.S. economy so badly needs now. Do not put the U. S. government in the position of standing in the way of the advancement of the economy.

J. Kahn
moondog123@aol.com

MTC–00026085

From: Melinda Stimpson
To: Microsoft ATR
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement

I am actually Mike Stimpson, not Melinda, despite what the E-mail header says. I'm writing from home, which is why the header says Melinda.

I have worked as a computer programmer for 15 years, and have tried to keep up on what is going on in the industry. I have used (and written programs for) Microsoft and non-Microsoft operating systems.

I consider the proposed Microsoft settlement to be very inadequate. It does not address the following issues:

Microsoft is not actually punished for its'' illegal acts. That is, they are placed under restraint for ongoing conduct, but Microsoft has already profited from their anticompetitive acts, and that is not addressed at all. It seems to me that the amount of Microsoft's profit arising from the acts should be determined (that's hard, I know). Then Microsoft should be fined triple the amount of their unjust gains.

Microsoft is still at a huge competitive advantage in applications due to their monopoly in operating systems. This needs to be addressed by requiring that the programmers writing applications for Microsoft use only publicly available information about the operating system. Otherwise, they may be able to use features—typically function calls—that are not available to others. This lets Microsoft leverage their operating system monopoly to an advantage in applications. Even as Microsoft's applications programmers should not have an advantage in the available operating system features that they can use, they also should not have an advantage in when they can use them. That is, if the Microsoft programmers learn about the new operating system features six months before their competitors, then, all other things being equal, their applications will incorporate the new features six months earlier. Again, this lets Microsoft leverage the operating systems monopoly to an advantage in applications.

It seems to me that, given the previous history of Microsoft anti-trust consent decrees, that this consent decree needs to have some concrete penalties for violation that are stronger than merely extending the same consent decree for two more years. If Microsoft violates the consent decree, what prevents them from violating it for the additional two years? There must be a more severe consequence for violation than merely extending the consent decree.

In light of the above points, I urge that the proposed consent decree be either rejected or considerably strengthened. We need a consent decree that actually addresses the issues of Microsoft's anti-competitive behavior, not merely one that brings an end to the case.

MTC–00026086

From: Virginia Clifton
To: Microsoft ATR
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I'm writing to urge you to support the settlement recently reached between the United States Department of Justice and Microsoft. I feel this is a lawsuit that should have never been launched against Microsoft and believe that it is now time to end it so Microsoft can return to the business of software development. Indeed, Microsoft must feel the same way because it agreed to terms in the settlement that went far beyond the scope of the original lawsuit.

Microsoft has, for example, agreed to license Windows to the 20 largest computer makers on virtually identical terms and condition. Microsoft has also agreed to grant computer makers and software developers broad rights to configure Windows to remove Microsoft products and substitute competing, non-Microsoft products in their places. For example, Netscape Navigator can be installed in place of Internet Explorer; RealPlayer in place of Windows Media Player; and AOL Instant Messenger in place of Windows Messenger. Microsoft has agreed to not retaliate against computer makers and software developers who choose to do this. Further, Microsoft has agreed to not enter into any agreements with other companies that would obligate them to exclusively distribute or promote Windows technology.

Based on the facts of the settlement, I encourage you to accept the terms of the

settlement so that Microsoft can carry on the business of developing innovative software.

Sincerely,
Virginia Clifton
1125 Olympia Avenue NE
Olympia, WA 98506

MTC–00026087

From: Sharon Corboy
To: Microsoft ATR
Date: 1/26/02 1:32pm
Subject: aol suit

aol lost in the market place. bardsdale could not compete on the merits of his product.because microsoft makes a better product

thomas a corboy
tccorbor@earthlink .net

MTC–00026088

From: Charles E Davis
To: Microsoft ATR
Date: 1/26/02 1:32pm
Subject: Microsoft Settlement

It is time for the Microsoft settlement to be implemented and let business run its natural course. Too much time and money has been spent to try and satisfy Microsoft's competitors.

Thank you

MTC–00026089

From: Theo Armour
To: Microsoft ATR
Date: 1/26/02 1:34pm
Subject: Microsoft Settlement

I believe that the settlement terms proposed by the Court of Appeals are reasonable.

I hope that the company that brought the Internet to the great majority of desktops in this world will be be permitted to continue giving users affordable, usable and new technologies.

Theo Armour
theo@evereverland.net

MTC–00026090

From: Pschoues@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:34pm
Subject: (no subject)

I think the antitrust settlement between the Dept. of Justice and Microsoft is a fair settlement and should be takeing for the good of all parties.

Paul schouest 25345 Fenner
Street Plaquemine, la. 70764
CC:fin@mobilizationoffice.com@inetgw

MTC–00026091

From: Zelie, Elizabeth A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am writing in regard to the settlement between Microsoft (PFJ) and the Justice Department. As a student who has taken many computer classes, I have benefited from the products produced by Microsoft, and I am excited to see what they will come out with next.

However, having said that, I do believe that they should not be allowed to continue their monopolistic practices. They violated anti-trust laws and should be punished for that. I am a Business Law student and if I have learned anything in my studies, it is that laws are made to be enforced and not to be broken. If Microsoft is not punished for violating a law, but is instead given a pat on the back and taken care of by PFJ, then why should we enforce the law when anyone else violates it?

We are blessed to live in a country with a free market economy, but what good does that do if companies are allowed to become monopolies? That seems to go against the very principles on which this country was founded. Please reexamine this case and do your best to change this settlement. I will be praying that God guides you in making this decision.

Sincerely,
Liz Zelie
Elizabeth Zelie
200 Campus Drive, Grove City College Box #2515, Grove City, PA 16127–2197
zelieea1@gcc.edu
CC:'stopmicrosoft(a)yahoo.com''

MTC–00026093

From: Gemfield Association
To: Microsoft ATR
Date: 1/26/02 1:35pm
Subject: Microsoft Settlement

Dear sirs,

We don't need any more special interests trying to defeat consumers. So why drag out this battle any more? Only a few special interests could benefit from that. The Tunney Act seems to me to well serve the interests of the consumers, and the time to end the litigation has arrived.

Sincerely,
David B. Robinson, J.D. (Hon.), M.Sc.

MTC–00026094

From: Scott Tillema
To: Microsoft ATR
Date: 1/26/02 1:36pm
Subject: Microsoft Settlement

Dear Sirs—

I do not support your actions against Microsoft, and I believe that a great injustice is being committed.

To uphold ''justice'' is to ensure that a person (or persons) get exactly what they deserve. As a citizen of the United States, I expect my government to serve this principle of justice when protecting the most essential value that we all cherish: freedom.

By freedom, I am refering to our constitutional right to determine, pursue, create, and protect our own values. The opposite of freedom is slavery; it is the act of initiating force against others as a means of acquiring values. The only *moral* use of force is as a means of protection or retaliation against those who would initiate it. Thus, force should only be used as a means of protecting freedom from slavery.

Microsoft has not committed any injustice. They have *earned* their market share by giving the market what it wants. When faced with a challenge, their focus their power and resources on making a better product. If necessary, they have put restrictions on how *their* product may be purchased. They do anything that is *within their power* to advance and protect their products—their values. Yet they have never initiated *force* against any other person. Every man is free to accept Microsoft's terms or part company—unlike a law of the government that imposes its terms by threat of imprisonment. (In fact, as a consumer and computer user, I freely choose to use many non-Microsoft owned products—including a non-Microsoft internet browser (called Opera)!)

I ask you to look at Microsoft and ask yourself: would you classify this corporation in the same category as bank robbers, con-men, rapists, murderers, or terrorists? Do they even share *one degree* of the essence that makes these men criminal? Because, this is what you have done.

The prosecution of Microsoft is a grave *injustice*, committed on behalf of those who would use the government to impose their values by *force*. By pursuing this case against Microsoft, the government has *unfairly* given my fellow citizens the priveledge of using the state sanctioned use of force to achieve their desires. I recognize this as an act of slavery.

Your justification of this injustice is the Sherman Act; a law that restricts the freedom of businesses to determine how their products are traded. The purpose of this act is to impose some ill-conceived economic theory as a matter of law. As it is written it makes every business subject to the whim of a judge's interpretation rather than the facts of reality.

Justice in the world of economics is not served by a judge's whim—it is served by reality. Microsoft, as does any business, recognizes this reality. Regardless of any attempt Microsoft has taken to protect its current products, it cannot escape the need to innovate or create new products. In fact, this is the reason that Netscape lost its own market dominance: regardless of price, eventually Microsoft had to produce a better product. Unless Microsoft continues to innovate and improve, it too will lose its market dominance.

You can see that justice is done: see to it that Microsoft, all businessmen, and all Americans are set free from the tyranny of such laws as the Sherman Act that impose slavery on our lives.

MTC–00026095

From: Jonathan Holbert
To: Microsoft ATR
Date: 1/26/02 1:35pm
Subject: Microsoft Settlement

I don't believe the proposed settlement is sufficient to stop future monopolistic behaviour from Microsoft Corp.

Thank you,
Jonathan Holbert

MTC–00026096

From: gmcgarry1@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:35pm
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,
Gayle McGarry
7607 Weeping Willow Circle
Sarasota, FL 34241

MTC–00026097

From: DMiller909@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:40pm
Subject: (no subject)

I am addressing myself to this subject once again in view of the recent events wherein AOL has instituted suit against Microsoft. As we hold stock in the technology companies hoping that one day our grandchildren will benefit through the absorbtion of college costs by said investments. Now I find that the situation has progressed from the sublime to the ridiculous. The

Microsoft competition obviously disregards the effect their actions has created in the marketplace. The officials of these corporations need not worry about the diminishment of their present financial values as they will eventually find retention bonuses or future stock options that will regain present day losses, but the individual investors will not be so fortunate.

The states still involved in the case are more likely supporting the tech companies within their geographical areas and the heck with everyone else. It appears that they will not be satisfied untill they establish what the competition desires It is time to get this situation behind us- It is time to remove the shadows of uncertainty from the market.AND it is time to remove the shackles from the economy that has, in my opinion, sufferred as a result of the added pressures. n closing I can only state that the uncertainty and the actions of the remaining states in opposition to the Microsoft decision of the government has, in my opinion, caused greater financial loss to the investors than the damage the competition and/or Attorney Generals of the respective States claim that Microsoft has caused the public.

Very truly yours..
dmiller

MTC–00026098

From: Nsjarrard@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:41pm
Subject: Microsoft Settlement

Please get this case settled. We NEED Microsoft! It's technology has been very important to me and to everyone I know. Without it's contributions, we couldn't have made the major progress we have made. It's time for this whole mess to be over!

Please adopt the terms of the settlement as they are now and get this thing finished.

THANK YOU!
Nancy Jarrard
15807 Gooseberry Way
Apple Valley, MN 55124

MTC–00026099

From: G Eisenberger
To: Microsoft ATR
Date: 1/26/02 1:41pm
Subject: Microsoft settlement

To Whom It May Concern:

As a retired person who uses Microsoft software, I urge you to settle the DOJ lawsuit.

Years ago when I started working with computers, you had to do most of your own programming. It was time consuming, frequently inaccurate, and totally frustrating. With the Ms windows operating system, I can get up-to-the-minute news, check on my investments, communicate with family and friends, send photos, play games, etc. Last year I was able to get in touch with my buddies from my Navy days and we had a reunion after 47 years.

When you consider the cost of Ms software, compared to cable TV or phone service, it is a real bargain.

Let them keep adding features and improving this wonderful product.

Sincerely,
Gary Eisenberger, Age 67

MTC–00026100

From: Quin Blackburn
To: Microsoft ATR
Date: 1/26/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing as a citizen concerned about the proposed final judgement between the United States and the Microsoft Corporation. I am a Design Engineer in California, with a significant background in computers and programming. I am also a user of Unix, Linux, and other competing operating systems, and therefore I have been exposed to how Microsoft has maintained and extended its monopoly, and I feel that I have been negatively effected by their activities.

While the judgement seems to address a number of the activities that Microsoft has used to hold and extend their monopoly, I think it has a number of weaknesses that will prevent it from accomplishing its purpose. The most likely result I see of approving this agreement is that Microsoft will continue their anticompetitive practices for several more years, followed by another lengthy antitrust trial. The irony is see is that in some cases they may use the proposed judgement as justification for their anticompetitive actions, as it specifically allows some of them to continue.

In section III parts A and B, the intent seems to be to allow OEMs to use Microsoft and competing products freely, without allowing Microsoft to take action to prevent them from doing so. However, it leaves Microsoft ample opportunity to continue to engage in anticompetitive practices. III.A.2 says that Microsoft cannot retaliate against an OEM for shipping computers that have a competing operating system on them, in addition to Microsoft's operating system. However, if the OEM ships any computers that have only the competing operating system, then retaliation is allowed. In effect, this can be read as requiring the OEM to put a Microsoft operating system on all the machines they ship.

Section III.B also specifies Covered OEMs for many of the protections. There are a great many computer manufacturers in this country and abroad, but it seems that only 20 will be protected.

Another thing I notice is that there is no mention of bundled products. This strikes me as allowing them to give discounts on seperate packages, like Microsoft Office, to vendors that behave the way Microsoft wants them to with regard to their operating systems products. These provisions have been used in previous OEM agreements. Since a large percentage of personal computers ship with an office package, this seems to give them a significant loophole to favor certain vendors without changing their cost schedule for their operating system products.

It strikes me as odd that there was no mention of Microsoft's applications, specifically Microsoft Office, in the proposed judgement.

While the trial was based on their operating system monopoly, they have a significant monopoly in the standard office application market that they use synergistically with their operating system monopoly to prevent competition in both areas. I believe that the findings of fact mentioned that they used the threat of withholding Microsoft Office for Macintosh as a lever against the Apple Corporation. The applications are used to support the operating system monopoly, because the lack of a version of Microsoft Office, as the most common office suite of applications, for competing operating systems is a large part of the ''Applications barrier to entry'' for those systems. The operating system monopoly is used to support the applications monopoly largely by bundling. Microsoft can afford to charge less for their Office suite because they are sellling it with another product, the operating system.

The proposed final judgement makes no attempt to address the applications monopoly, which, while unfortunate, is understandable since the trial concerned their operating systems only. However, it should address how they use their applications to the support of their operating system monopoly. The disclosure provisions should include the APIs and file formats for Microsoft Office, so that competing operating systems can have a fully compatible office suite. The Operating System licensing sections need to mention associated licenses, so that Microsoft doesn't use discounts on one product in lieu of the other.

The disclosure of the APIs, under section III.D, is done via the Microsoft Developer Network. While greater disclosure would aid competition, the choice of MSDN is questionable. In order to use MSDN, a developer needs to accept a ''Click Through'' agreement drafted by Microsoft. Having wanted to support a Microsoft file format in a competing operating system, I ran afoul of that agreement, which disallowed me from

doing so. Indeed, the proposed final judgement only requires the disclosure ''for the sole purpose of interoperating with a Windows Operating System Product''. Since the entire intent of the judgement is to encourage competition to the Microsoft Windows monopoly, allowing the disclosure only to users of Windows, and for products that only run on Windows seems to completely defeat the purpose. This disclosure will only strengthen the Windows monopoly.

One significant thing I see lacking in the proposed judgement is any sort of penalty. The Microsoft Corporation has been ruled to have broken the law, but the judgement does nothing to ''deny to the defendant the fruits of its statutory violation''. At best, the judgement simply tells them not to do it again. There seems to be no reason for Microsoft not to continue its anticompetitive activities, since past transgressions of the law have not been penalized, they have no reason to believe that future ones will be. The judgement gives no means of enforcing even its own requirements, save returning to the courtroom and starting this process over from the beginning.

At the risk of destroying my credibility, I have to say that Microsoft works in its own interests alone. They have no interest in competition, and no interest in or respect for the law. They will not follow the intent of an agreement, only the strict letter of it in their most favorable interpretation. If the judgement is not airtight, Microsoft will willfully continue their practices, citing any weakenesses in the agreement as allowing them to do so. The Microsoft Corporation has been convicted of having undue power and an agreement that has any less power will simply be pushed aside like any other competitor to their business.

Also, at greater risk, I would like to note that Microsoft has in the past hired marketing/PR firms which would write a large number of letters from ''concerned citizens'' in favor of Microsoft. I would hazard a guess that you have a significant number of these letters that have been commissioned in the interests of interfering with the legal process in their own favor.

Thank you for your time,
Quin Blackburn
Valencia, CA

MTC–00026101

From: Rob Cowart
To: Microsoft ATR
Date: 1/26/02 1:44pm
Subject: Microsoft Settlement

My mother is a teacher in an elementary school in North Texas, with about 20 children per grade. They have one computer in each classroom, and it's a Macintosh. If Microsoft gives the school new computers, the children will learn to use those, maybe they will dispose of the older Macs, and then Microsoft will have taken a market away from Apple.

The children will feel comfortable with Windows, and may continue to use it all of their lives. The settlement gives Microsoft the chance to get customers for 80 years or so. If the point of the settlement is to increase Microsoft's market share in the schools, then the Settlement is perfect. But it's not, the reverse needs to happen. Only by competing against itself can Microsoft lose market share. The government split up AT&T, and competition increased and consumers benefited, eventually; this is no different and I don't understand why the government is treating it like it is.

Thanks for reading this,
Robert

MTC–00026102

From: Elizabeth Allison
To: Microsoft ATR
Date: 1/26/02 1:45pm
Subject: settlement misguided

Elizabeth Allison of New York and New Jersey weighing in here to say that the proposed settlement in no way addresses Microsoft's gross abuse of its consumers and, in fact, opens the door to further, albeit different, abuse. Will send longer and hopefully more eloquent words to same effect within 24 hours, time allowing, but wanted to get at least this much said now.

EA

MTC–00026103

From: Carolyn Cooper
To: Microsoft ATR
Date: 1/26/02 1:46pm
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am emailing about the Microsoft Settlement. It is important that we protect the rights of individuals against corporations in America, and Microsoft is not going to concede unless we make them.

I'd like to focus on just one of these issues which needs to be remedied. Protocols and file formats need to be openly available. For one, it is a widely accepted fact in theoretical research that the only way a protocal can be really secure, is if it is based on the theory in its algorithms, not on the secretness of its methods. When Microsoft hides its protocols, it may leave security holes that we cannot discover until they are broken. Secondly, and most importantly, Microsoft uses its monopoly in the Operating Systems market to create a monopoly in the software market.

If I create a file using Microsoft Office, I should have the right to use that information with another operating system. Microsoft needs to be required to make their file formats available to other programs so that I own my own files. At this point in time, my creations in Microsoft are very difficult to export, and in a certain way, Microsoft owns them. I request you to protect my work, and my rights as an individual.

Thank you,
Carolyn Cooper
Princeton, NJ

MTC–00026104

From: EDPFC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:47pm
Subject: Microsoft Settlement

To Whom it May Concern!

I am sending this e-mail to voice my opinion on the antitrust settlement between Microsoft, the Dept. of Justice and nine states. Microsoft maybe a bully with their competitors and customers; large companies flex their muscles all the time. I am a small manufacturer, and you should see how the big retailers bully me around! They are creative and built the company from scratch, unlike Standard Oil, for example, who purchases other companies to create a monopoly and for whom the antitrust laws were written. US companies compete around the global. Would you rather a Japanese company have the monopoly on Window? No, I rather it be a US company. Accordingly, I think the settlement is fair, and you should take up Microsoft's offer to supply the poor schools with the latest technology as part of their penalty.

Best Regards,
Ed Esposito
Professional Folding Carts to make life EASIER!
www.FoldingCart.com
Tel. 718–693–9700

MTC–00026105

From: maryannstuart@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:47pm
Subject: Microsoft Settlement

Please accept the Microsoft Settlement and finish this case. Quit spending taxpayer money on this matter. And please don't accept any more lawsuits about this. Microsoft should not have to be tried again on the same or a related matter.

The United States government should never have been involved in a lawsuit against Microsoft in the first place. I disagree with the current anti-trust laws. The government has no business fighting against corporations of our fellow citizens, unless they are doing something actually criminal (such as covering up drug operations or terrorist activities, etc.)

AT&T should never have been broken up, either. Large size and creativity are not criminal. Making a product widely available is not criminal. Competitors have the burden of competing, that is, of finding their own innovative ways to make a place for themselves in the market. Competitors should not have the government's and taxpayers'' help to become bullies. Competitors could ask the taxpayers to help fund better education for future employees for the workforce, in general.

The companies that could not hire the brains to figure out ways to effectively compete with Microsoft had no right to take their competitor to court. Rather than wasting taxpayer's time and money on a lawsuit, they and the government should have spent the money encouraging the education of potential scientists, engineers, computer programmers, etc. They should have screened potential applicants and sent them to appropriate schools, keeping a close eye on the quality of training they were receiving. What a difference this would have made!

This country's level of science training has fallen behind what it was in the 1960's under President Kennedy. We should not hinder good thinking and the resulting sensible business practices. We should encourage scientific and technological education, research, and progress.

This is relevant to the present case, because, as I mentioned above, the lack of good potential employees for competing

companies is one of the reasons that a case like this ever came to be.

Thank you.

MaryAnn Stuart

MTC–00026106

From: haughton@wpmedia.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:46pm
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 Haughton
600 Green St.
Kingstree, SC 29556

MTC–00026107

From: Knickshl@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:50pm
Subject: Microsoft Settlement

Hello,

I am a student at Stony Brook University and is currently seeking acceptance into the Computer Science Major. I have been reading about the ''final judgment'' in the Microsoft Case, and I feel that Microsoft is a monopoly. Almost every PC on the planet has Microsoft as their operating system, and I feel that other smaller companies with better software and new ideas should get the chance to promote their company. Therefore, I feel that the Supreme Court's decision to control the promotion and use of Microsoft programs and putting strict conditions on the licensing rights of Microsoft to other companies was the right thing to do. Even though just like many other people around the world, I also use a Windows operating system and will have to get to know the new operating systems that will be coming out after this decision is made final.

P.S. Thank you for letting our voices be heard in this decision.

MTC–00026108

From: CAHein@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:51pm
Subject: Microsoft Settlement

The proposed MS settlement is AWFUL. Don't accept it.

Craig Hein

MTC–00026109

From: adam freeman
To: Microsoft ATR
Date: 1/26/02 1:52pm
Subject: Microsoft Settlement

I really disagree with the proposed settlement. Make Microsoft buy however much its willing to donate of its own products from someone else. Like Apple and Corel and Adobe. Don't let Redmond extend their monopoly into the schools. Punish them instead.

MTC–00026110

From: Cyrus Walker
To: Microsoft ATR
Date: 1/26/02 1:53pm
Subject: microsoft settlement

As currently structured the proposed settled as defined by the DOJ does not actually curtail microsoft's practices. The settlement definitely does not benefit the consumer, small software developer or large software developer. Microsoft does not encourage innovation but actually eliminates and crushes innovative products if the are perceived to be any type of threat to their operating system. The penalties should be more restrictive and actually enforceable if there is to be any benefit for the consumer, competition and innovation from other consumers. No one should be forced to accept something because there are no viable choices. That is what microsoft and this lackluster settlement propose to do, remove the ability to make a choice, just accept what is given to you.

I want to make my own choice!!!!
v/r
cyrus walker

MTC–00026111

From: Alison Randall
To: Microsoft ATR
Date: 1/26/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern,

I wanted to submit my comments on the antitrust settlement between Microsoft, the Department of Justice and nine states before Monday's deadline. I believe the terms of the settlement are reasonable and fair to all parties involved and go beyond the ruling by the Court of Appeals. This settlement represent the best opportunity for Microsoft and the industry to move forward. Adopt the settlement and let's move on to more pressing issues.

Thank you,
Alison H. Randall
Dublin, Ohio

MTC–00026113

From: Scott Cassill
To: Microsoft ATR
Date: 1/26/02 1:53pm
Subject: Microsoft Settlement

Would you please discount the specifics and get to the generalities of acknowledging almost instant obsolescence and the need to develope newer, faster and more efficient programs. Consumers are greatly benefitted by Microsoft's software. Let the consuming public decide at the cash register. Let Microsoft continue to help materially in our losing balance of trade ''battle.'' Let all the titans of tech get to work. They create a great deal of wealth, which is taxable and consumable. This is what made America great.

Let's roll !
Scott and Joyce Cassill
Nordland, WA 98358

MTC–00026114

From: Chad Hasselius
To: Microsoft ATR
Date: 1/26/02 1:56pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Under the proposed settlement Microsoft will surely continue their anti-competitive practices and ultimately hurt not only consumers, but the future in computing as well. With computers increasingly being integral to society this proposed settlement will ultimately hurt all of society for years to come in many ways. If you go ahead with this settlement and concede to the political reasons for it, this will definately be a dark spot in history. Please do not go ahead with it if you care at all about the ramifications of it, stay strong and fight for the people.

Chad Hasselius
9163 Kirkwood Ln.
Maple Grove, MN 55369

MTC–00026115

From: Chohanmotor@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:59pm
Subject: Hi

I wouls say that both United States and Microsoft are right at their own sides. I say this because Microsoft wants to be popular llike any other company's goal would be so it sells its software almost in all pc's. They want people to use their internet browser too so they made their OS's like that the people has to accept the agreement to install Their bowser too in order to get their OS installed. It's kind of enforcement that they're doing but I think that any company who would like o be popular and rich will definately do that. Now on the other hand, United States is right that Microsoft shouldn't do like that to sell their internet browsers like that because like that it'll be a monopoly. No other company can sell their product, for example Netscape. They want to sell their software too. So I think that the case is good in my opinion because If you put yourself in either Microsoft side or United States side you would do the same thing that they're doing. Thanks

MTC–00026116

From: Jean-Pierre Mouilleseaux
To: Microsoft ATR
Date: 1/26/02 1:58pm
Subject: Microsoft Settlement

i truly am disappointed with the proposed microsoft settlement. i would have expected more from a country that was so determined to shatter telecommunications and oil monopolies of the past. the current settlement allows microsoft to further extend it poisonous reach, which seems rather paradoxical. it is difficult to see if microsoft is being punished or rewarded for their perpetually anti-competitive behavior. please reconsider the settlement.

regards,
://jean-pierre

MTC–00026117

From: AnnKom@aol.com@inetgw

To: Microsoft ATR
Date: 1/26/02 2:01pm
Subject: Settlement

Please except the microsoft settlement and move on. we all love microsoft and so do most of the manufacturers.....

MTC–00026118

From: Fortunato Velasquez
To: Microsoft ATR
Date: 1/26/02 2:01pm
Subject: settlement

U.S District Judge Colleen Kollar-Kotelly: January 26, 2002 It is my opinion that the proposed settlement with the Microsoft company is NOT ''in the public interest.'' The company should be prosecuted as predators who have defrauded the public and pursued monopolistic business policies.

Thank You,
Fortunato Vel'squez
Seattle, WA

MTC–00026119

From: rbrakes@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00pm
Subject: Microsoft Settlement

From my reading of the settlement, I do not see justice at all. It sounds to me as if Microsoft is being rewarded rather than punished and nothing is being done to prevent their unscrupulous business practices. As a software developer myself for over 20 years, I have found Microsoft to be nothing but an impediment by purposely destroying existing standards and thereby slowing new innovation.

Please consider a punishment more suiting than a simple slap on the wrist as is currently proposed.

MTC–00026120

From: AnnKom@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00pm
Subject: Settlement

Please except the microsoft settlement and move on. we all love microsoft and so do most of the manufacturers.....

MTC–00026121

From: swht@infi.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:03pm
Subject: Microsoft Settlement

To whom it may concern: I believe the Microsoft settlement is fair. It should be completed now.

Thank you, Dorothy Horstman

MTC–00026122

From: Brad Markham
To: Microsoft ATR
Date: 1/26/02 2'02pm
Subject: Comments on Microsoft Settlement

To Whom It May Concern,

I am a software developer. I use many of Microsoft's products everyday. I believe Microsoft holds a monopoly in the software industry. I am including the text of a column from Byte.com. The column, ''The Be View'', was written by Scot Hacker in August of 2001. His discussion of why Be, a computer operating system, failed, trying to compete with Microsoft, is a glaring example of why Microsoft is a monopoly. The settlement, as it stands, is a joke to most industry observers. Microsoft was found guilty of monopolistic practices. This settlement is a mere slap on the wrist. It does nothing to change the fundamental problem with Microsoft. This will only be achieved with a much more severe punishment. The only way software development companies will have a chance of surviving in direct competition with Microsoft is if they can compete on a level playing field with Microsoft. This will only happen if Microsoft is broken up. Microsoft can not be allowed to continue it's current business practices in the future. Breaking up Microsoft is the only way that real change will occur in the software industry. In a competitive market, companies survive by creating a good product at a reasonable price. If the product is inferior or too expensive the consumer will buy a competitors product, if the competitors product can be easily substituted for the original. Microsoft has built it's monopoly by making it very difficult to switch to a competitors product. i ask you to consider the merits of this article in your decision. You have the power to drastically change the software industry for the better.

Thank you for your time,
Brad Markham

Peaceful Coexistence? Right.

It is statistically unlikely that a person purchasing a new computer is ever going to change its operating system the OS that comes with the computer you buy at the local computer mega-store is probably going to be the OS you use for years, if not forever. And while it is technically trivial for a hardware vendor to set up hard drives to dual- or triple-boot multiple operating systems, very few people have the interest or the huevos to repartition their hard drives and install additional OSs after the original point of purchase. Therefore, few things could be more financially critical to an operating-system vendor than to have one's product preinstalled on consumer computers. There is no technical reason why CompUSA customers shouldn't be able to walk out of the shop with a machine that asks ''Which OS do you want to use today?'' upon boot. And yet, even today, after several years of relentless news about how Linux is ready for the general desktop and business customer, one does not find dual-boot Win/Linux machines from large commercial OEMs at any consumer outlet or web shop I know of. Yes, you can get dual-boot machines at some of the smaller shops, but these are the ones that slip under Microsoft's radar, and there's no guarantee that Microsoft won't decide to take action against these vendors at some point. And yes, you can buy Linux-only machines from vendors such as IBM. But think about it: Why would IBM sell Windows machines and Linux machines, but no dual-boot Win/Linux machines? The absence is conspicuous. A few years ago, Be's CEO Jean-Louis Gass,e used the phrase ''peaceful coexistence with Windows'' to describe his company's intended relationship with Microsoft on the consumer's hard drive. Later, when it became clear that Microsoft had no intention of coexisting with a rival OS vendor peacefully, Gass,e recanted, saying, ''I once preached peaceful coexistence with Windows. You may laugh at my expense I deserve it.'' With 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, Gass,e 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 Gass,e 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, Gass,e 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.

Bootloader as Trade Secret

So why aren't there any dual-boot computers for sale? The answer lies in the nature of the relationship Microsoft maintains with hardware vendors. More specifically, in the ''Windows License'' agreed to by hardware vendors who want to include Windows on the computers they sell. This is not the license you pretend to read and click ''I Accept'' when installing Windows. This license is not available online. This is a confidential license, seen only by Microsoft and computer vendors. You and I can't read the license because Microsoft classifies it as a ''trade secret.'' The license specifies that any machine which includes a Microsoft operating system must not also offer a nonMicrosoft operating system as a boot option. In other words, a computer that offers to boot into Windows upon startup cannot also offer to boot into BeOS or Linux. The hardware vendor does not get to choose which OSes to install on the machines they sell Microsoft does. ''Must not?'' What, does Microsoft hold a gun to the vendor's head? Not quite, but that wouldn't be a hyperbolic metaphor. Instead, Microsoft

threatens to revoke the vendor's license to include Windows on the machine if the bootloader license is violated. Because the world runs on Windows, no hardware vendor can afford to ship machines that don't include Windows alongside whatever alternative they might want to offer. The essence of the government's antitrust beef with Microsoft is that the company limits competition by leveraging its dominant position in the marketplace (it's important to remember that monopolies are not illegal abusing them is). To prove its case, the government focused on the browser wars and the harm done to Netscape by Microsoft's inclusion of a free web browser in the operating system. In my opinion, the browser issue pales in comparison to the egregiousness of the bootloader situation. The browser is arguably an essential component of modern computing a commodity product as worthy of inclusion in the OS as a text editor or calculator. Be, too, bundles a web browser with its OS, and I'm glad they do. Questions of how the browser is integrated are much more interesting, since they connect to the point of whether Microsoft's browser bundling intent was anticompetitive or not. In BeOS, for example, it's always been possible to remove the browser from the OS simply by dragging it to the Trash, which is very different from the situation under Windows. But I digress. The point is that the browser situation is easily debatable, while the bootloader situation is far more cut-and-dried. I would wager that few lawyers could come up with a cogent argument to describe how Microsoft's bootloader policy is not anticompetitive in the strictest sense of the term. After all, Microsoft is first and foremost an operating-system vendor. Be and Microsoft were competing on much more similar territory than were Netscape and Microsoft. But when it came to the DOJ vs. Microsoft antitrust trial, things got even more interesting.

DOJ Misses the Point

On request of the DOJ, Gass,e had several pre-trial conversations with prosecuting attorney David Boies* and Assistant Attorney General Joel Klein. Gass,e explained the bootloader situation to them. They listened and heard. But they did not ask Gass,e to testify on the bootloader issue. Instead, they asked Gass,e to testify on the matter of browser integration. Gass,e warned them that he would be a ''dangerous witness,'' since his feelings on browser integration were actually sympathetic with Microsoft's. Gass,e wanted to testify on the bootloader issue, where he felt the core of the case really rested. Klein and Boies told Gass,e he could testify with focus on the ''malicious intent'' aspect of the browser integration question, but not on the bootloader matter. Needless to say, Gass,e declined to participate in the rest of the case. The bootloader issue was raised during the trial, however. Raised, but not actually addressed, because Microsoft claimed (in a court session closed to the public and the media) that the Windows License was a ''trade secret.'' However, Microsoft never denied that the license exists, and never denied that it works as I've described here. In November of 1999, Judge Jackson released his Findings of Fact, which legally established that Microsoft had been engaging in anticompetitive practices. The Findings mentioned Be and BeOS in several places. However, the only reference to the bootloader situation was found tucked in the middle of paragraph 49, and merely obfuscated the significance of the issue: Although the BeOS could run an Intel-compatible PC system without Windows, it is almost always loaded on a system along with Windows. What is more, when these dual- loaded PC systems are turned on, Windows automatically boots; the user must then take affirmative steps to invoke the BeOS. While this scheme allows the BeOS to occupy a niche in the market, it does not place the product on a trajectory to replace Windows on a significant number of PCs. Despite the convoluted summary, Be's stock price skyrocketed over the next few days as a result of the BeOS mentions in Jackson's findings, eclipsing even RHAT and APPL in trading volume. But that blip on the radar did nothing to mitigate the real issue the greatest opportunity Be had ever had to inform the government and the public of this stunningly obnoxious example of anticompetitive behavior one that, in my opinion, eclipses the browser integration issue had come and gone, leaving Be no closer to securing those all-important bundling deals with the world's largest PC hardware vendors. The burning question, of course, is why Boies and Klein didn't want Gass,e to testify on the bootloader issue, especially when it could have substantially helped their case? The answer provided to Gass,e was that the case was by then already too well established. Including the bootloader issue would have meant rewriting many of the arguments and calling in a new collection of witnesses. In other words, it wasn't convenient for the U.S. government to get to the meat of the matter. It would have been too much of a hassle to address Microsoft's anticompetitive behavior in its purest form. In addition, no PC OEM was willing to testify on bootloader issues. And why would they? The threat of losing favor with Microsoft easily would have outweighed any potential benefit from being able to preload the unproven Be operating system alongside Windows on their machines. Finally, Be didn't have the brand recognition that Netscape did; Netscape made for a much better poster child. *Boies, by the way, did not even have e-mail as of August 2000 the highest technology case in the land was prosecuted by a man who could fairly be described as technologically illiterate.

Controlling the Hardware Landscape

One might wonder, as I did, why Be did not file separate suit on this issue. It would seem that Be's case would be extremely strong, especially with the precedent and backing of the Findings of Fact. In winning such a suit, Be would stand to make a pile of quick cash and to greatly extend their public visibility. Oh, and they might just win the opportunity to ship alongside Windows on consumer computer hardware. But Be did not sue Microsoft, and as far as I can tell, is not currently in the process of suing Microsoft. Why not? First of all, a lawsuit against Microsoft would be incredibly expensive and time consuming. Unfortunately, Be cannot currently afford either the time or the money, not to mention the distraction of a major lawsuit. But couldn't Be have filed suit in early 2000, in the window that opened immediately after the Findings of Fact were released? Yes, answers Gass,e, but Be was waiting to see what the court's recommended remedy would be. After all, it seemed likely at the time that Microsoft would be forced to change many of its business practices. Why should Be have sued to accomplish what it looked like the government was going to do anyway? So here we are in 2001, and guess what? It's still not possible to purchase a dual-boot Win/Linux machine. Doesn't that seem kind of odd? With all of the hype Linux has gotten, and with the technical simplicity of shipping dual-boot machines, not a single PC OEM is shipping such a beast. The technology marketplace is glutted with options. Vendors use even the smallest opportunities to trumpet their differentiating factors. Linux is free. And yet there are no commercially available dual-boot machines on the market. Not one. The silence of the marketplace speaks volumes. There is no other way to explain this phenomenon other than as a repercussion of the confidential Windows License under which every hardware vendor must do business. Last time I checked, x86 computer hardware is supposed to be operating system agnostic. My System Commander operator's manual tells me there are more than 80 known operating systems capable of being booted on x86 hardware (most of them obscure, of course). And yet, Microsoft has managed to massively influence the course of the supposedly OS-neutral hardware marketplace. Compaq, Dell, Hitachi, and all the rest of them work under Microsoft's terms and conditions. Microsoft has shaped and controlled the hardware landscape as much as they have shaped and controlled the software landscape. They're getting away with it. They slipped through the DOJ trial without the bootloader issue becoming the thorn it should have. As far as I know, the terms of the Windows OEM License have not changed. The recommended legal remedies against Microsoft have largely been stricken, and Microsoft is currently deflecting attention from the real issues by agreeing to remove some icons from the XP desktop (as if that mattered in contrast to the larger issues at stake). Klein and Boies helped to prevent the bootloader issue from becoming a central component of the DOJ's case. And we were never the wiser. As a result of all this, Be's business may have suffered in ways that will never be possible to measure. I'd go as far as to suggest that successful bundling arrangements with large PC vendors could easily have made the difference between the obscure BeOS of today and what could have been a popular, user-friendly and profitable alternative to Windows for the masses. On the other hand, Be may have failed to gain mass acceptance even with major vendor bundling deals. But we would have had the opportunity to ''experience what a truly competitive situation might be like.'' In any case, the miscarriage of justice was absolute. What we know for sure is that Microsoft treated the PC hardware platform as if it

owned it, and thus hurt consumers, software developers, PC OEMs, OS competitors, and the industry in general. That's a layman's definition of abusing a monopoly. Jean Louis Gass,e, July 2000

Postscript:

My copy of the San Francisco Chronicle for August 17 contains an article on the Palm purchase and includes the following extremely interesting paragraph: Although it will cease operations, Be said that it will retain certain rights and assets, including its cash and cash equivalents $4.9 million as of June 30 and ''rights to...bring certain causes of action, including under antitrust laws.'' In other words, Be may yet opt to sue Microsoft, which could be a very interesting case to watch. Let's just hope the media figures out where the real antitrust issues are this time.

MTC–00026123

From: Margaret Sanchez
To: Microsoft ATR
Date: 1/26/02 2:03pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division, US Dept of Justice
Re: Microsoft settlement

I am writing regarding the persecution of Microsoft to let you know how I think and feel about this dastardly affair. I resent the government's implication that I am a helpless victim because I choose to buy a computer with Microsoft software already loaded. I resent the arrogance on the government's part thinking that it can decide what is to be on my computer. This is ridiculous. That is not the government's job. Your job is to protect the citizenry from events such as September 11. Why aren't you persecuting that whole affair more vigorously? Why aren't you going after Iran, Iraq? This is how you choose to spend taxpayer money by persecuting an American company? I cannot remember having instigated a complaint against Microsoft, nor do I recall any other individual doing so. This whole affair has been instigated by competitors who are unable to compete in the free market! Failed business should not be the ones to set the rules for the very markets in which they failed. The government's application of the corrupt and dangerous antitrust laws against successful businessmen is anti-American and can only result in greater corruption in our society as businessmen find it ever more necessary to kowtow to politicians. Microsoft and its owners have a right to the fruits of their labor—their property—and it is the government's job to protect this right not take it away. The government's actions are on principle anti-American and unconstitutional. America is a land open to all who want to dream and work hard to see their dreams come true. If the government throttles success based on the envy and dishonesty of the few then there is no hope left in the world. The antitrust laws are fraudulent and should be repealed. And by the way I love Microsoft products and not having to load software and not having to pay for a browser!

Sincerely,
Margaret and Evencio Sanchez
CC:Margaret Sanchez,Richard Winkler

MTC–00026124

From: Lemon, Michael A
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 2:04pm
Subject: Microsoft Settlement.

Please don't trust AOL,s word ! Aol is the evil one not Microsoft.AOL destructive software has personally caused me $700.00 damage to my computer and software.

I loaded a game and later found that AOL's software loaded with it.When i tried tried to remove it corrupted my software and locked up my computer.Like a worm virus it interlocked in my programs,when i tried to remove it it ripped parts of my programs

apart. My harddrive,memory,audio card,modem had to be replaced.I had to upgrade to the new operating system and scrap the old one all because of AOL.Two other people at work have had the exact same thing happen.

Microsoft provides an excellent product with extra features that help the customer.The computer tech told me to NEVER load anything with AOL on it.He said it innertwines itself like a virus into your computer. I believe that the Government should sue AOL for all the damage they have done.I am out $700.00. Michael

MTC–00026125

From: lherman
To: ''microsoft.atr@usdoj.gov''
Date: 1/26/02 2:03pm
Subject: Microsoft Settlement
Lawrence Herman
7 Seneca Drive ??Chappaqua, NY 10514 ?
(914) 238–8565
Saturday, January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to express my hope that you will see your way clear to expediting the settlement of the Microsoft anti-trust case. This case has seen more than three years of litigation, appeal, mediation and controversy. A fair and functional settlement plan has been reached by the parties and accepted by the court. It's time to end this matter and let Microsoft get back to work. The plan itself would force Microsoft to alter its business practices in a manner that will encourage competition in the IT field. Its Windows systems will be made accessible to other software manufacturers'' software. New Windows systems will be developed specifically so as to open them up to exploitation by the company's competitors. An oversight committee will be established to make sure Microsoft no longer engages in anti-competitive practices. In brief the ''old'' so-called predatory Microsoft will no longer exist. There is no present need to divide up this great and inventive company. And, there is no logical need to delay the implementation of this plan.

Sincerely,
Lawrence Herman

MTC–00026126

From: Paganini
To: Microsoft ATR
Date: 1/26/02 2:02pm
Subject: Microsoft Settlement
11340 Saddlewood Lane
Concord Township, OH 44077–8937
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Department of Justice and Microsoft have finally reached an agreement ending the three-year long antitrust case brought against Microsoft. I think this settlement is fair and should stand. The two parties fought it out, worked out an agreement, and it is not for people outside to second-guess these decisions. In my view, Microsoft has been chastened and has agreed to open up their company to competition. Microsoft has agreed to allow third party developers more of its copyrighted material to aid in development of third party programs; Microsoft has agreed to a three person technical committee to monitor future actions; Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. It seems to me that all this is more than fair to the competition and it is time we put this matter to rest.

I urge you to give your support to this agreement.

Sincerely, John Paganini

MTC–00026127

From: Richard
To: Microsoft ATR
Date: 1/26/02 2:06pm
Subject: Justice for MicroSoft

MicroSoft is a cancer on the technological innovation machine. I am a Silicon Valley entrepeneur and have watched other companies develop new technologies only to see MicroSoft absorb it into its OS. Sure the consumer doesn't care, just like the citizen that buys stolen goods from murky sources doesn't care. The giant hairball from Redmond must be stopped before they kill the innovative spirit of the technology sector.

MTC–00026128

From: Marc (038) Karen Jacobson
To: Microsoft ATR
Date: 1/26/02 2:06pm
Subject: Proposed Microsoft settlement

I am opposed to the current settlement as outlined currently. Microsoft is not a benign monopoly. They use their clout to drive out competition. The control of the source code for their operating system, and the rules and regulations in place to developers, gives Microsoft prior knowledge of cutting edge technology whic they can and do use to curtail competition. I strongly belive Microsoft must be punished along the outline originally set forth by Judge Jackson.

Sincerely,
Marc S Jacobson
Whittier, California

MTC–00026129

From: Rodney M. Jokerst
To: Microsoft ATR
Date: 1/26/02 2:08pm
Subject: Microsoft Settlement

I truly fear the day when I will have to pay MICROSOFT a monthly subscription just to use the internet. The way things are going now, all internet providers will soon require you to use microsoft products just to log in. Once they own the internet it will be practically impossible for anyone to take it back. I use microsoft products only when I absolutely have to. The primary reason that this is required is because they have closed standards so noone can create a word processor that reads word file correctly for example. If they were made to publish in FULL the specs for applications such as Microsoft Office I would have no reason to complain. I have no problem with the whole world standardizing on one document format. I do have a problem with the company not allowing anyone to compete with them by creating a competing product that uses this document format. The internet was created with open standars so that business with different interests could create compatible products yet still compete with eachother. It is painfully obvious that Microsoft has a stanglehold monopoly in the operating systems business. Please do SOMETHING about it...please? I belive that forcing them to open up their API's would be the best solution to this problem...allowing competitors to at least have a fair chance to create a competent product.

thanks
rod

MTC–00026130

From: Colin Pritchard
To: Microsoft ATR
Date: 1/26/02 2:13pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft is a bad idea. It is nowhere near enough of a penalty for the wrongs they have committed against their competitors. A stiffer series of penalties must be implemented to insure a healthy, competitive environment for all.

MTC–00026131

From: Craig
To: Microsoft ATR
Date: 1/26/02 2:08pm
Subject: Microsoft Settlement

Dear Judge,

Though I am a huge believer in free markets, I do not believe the Proposed Final Judgment (PFJ) is a the best solution. Microsoft is a wonderful company staffed by wonderful people, but they are guilty of some very grave anti-competitive violations. Moreover, the PFJ does not provide an effective enforcement mechanism for its remedies

MTC–00026132

From: JAZupkow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:09pm
Subject: Microsoft Settlement

This has gone on long enough. The lawyers are the only people who stand to benefit from continuance of this suit. There will be no consumer benefit and possible consumer and economic harm to letting this continue.

Stop the insanity! Let's get on with our lives.

MTC–00026133

From: Barbara L Black
To: Microsoft ATR
Date: 1/26/02 2:10pm
Subject: RE: Microsoft Settlement

Dear Atty. General Ashcroft: I am writing to protest any further litigation against Microsoft. The settlement offered is more than fair and the time and moneys of the AGO's office is better spent on REAL problems that affect the lives of the American peoples.

Barbara Black—14515 Granite Valley, #332C-Sun CIty West, AZ 85375

MTC–00026134

From: Shelly
To: Microsoft ATR
Date: 1/26/02 2:11pm
Subject: Microsoft Settlement

Dear Senators Specter and Santorum,

I am writing today to voice my opinion on the Microsoft antitrust case. This case has been going on far too long and further litigation will only stall our economy and the IT industry, which is clearly the last thing we need. The Federal Government should focus their efforts to more pertinent matters. My husband worked in the steel industry for 37 years, expecting to still be working. His company closed , he was forced into retirement and now is in jeopardy of losing his pension. We don't know what we are going to do. We were looking to the government for help. Shouldn't the government try to help companies instead of trying to destroy them? Microsoft has done more for this economy in the last decade than anyone or anything else. I urge you to please do your best to put a stop to any further litigation and advance the current settlement that is in place. Don't let happen to Microsoft what happened to the steel industry. This settlement will benefit the economy and the technology industry. Thank you for your time.

Sincerely,
Michelle Salem Petroci

MTC–00026135

From: Arthur Laube
To: Microsoft ATR,Paul
Date: 1/26/02 2:12pm
Subject: Microsoft Settlement

As a user of MS Windows and with no other vested interest I believe Microsoft did us—the users- a great service in the way they offered their products from their inception until present. We needed a turnkey computer. Press the button and go—and we came very close to getting that only because of the way MS bundled their products with the major supplier of computer hardware. The industry would be many years back if the Justice Department could have prevented MS from their initial marketing efforts. Now that MS is successful their competitors, managed by cry-babies, are screaming foul. Pfooie on them. I bought Netscape, but after several versions I gave up on them and went to MS Explorer and Outlook Express. As for AOL—I was online early with them—they are such a farce. I left them years ago. This is a very huge, immature market—let the market determine the winner and losers. No one is going to monopolize this market. Not ever. Look at the grand old man—Big Blue. At one time such a threat that the Justice Department took them on—but eventually dropped the suit. Their customers took care of their arrogance. They almost went belly-up—but they brought in a marketing man—and he asked their customers a question that Big Blue had never thought of, ''What can we do for you? What is it you want from us?'' The Justice Department would never have resolved the IBM problem of size. But their own customers chastised them until they reformed. The Justice Department started this MS mess—they should step in and settle it—and make sure that the states settle.

Arthur H. Laube 23 Clover Drive Chapel Hill, NC. 27514 919–967–5484

MTC–00026136

From: wt.catch1
To: Microsoft ATR
Date: 1/26/02 2:10pm
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,
Robert Lemert
5154 Merrill
Riverside, CA 92504

MTC–00026137

From: meshkin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Lawrence D. Meshkin
950 N. Balsam Circle
Wasilla, AK 99654–5552

MTC–00026138

From: Ruth Vanderpool
To: Microsoft ATR
Date: 1/26/02 2:15pm
Subject: Microsoft Settlement

I am sure that you have read many e-mails complaining about the unethical behavior of Microsoft and while I believe that is true I thought it might scare you into thinking correcting Microsoft's behavior might in fact just be the revenge of a few. Granted the government is allowed to charge for past wrongs and thereby provide a financial incentive to correct the behavior, but I believe Microsoft is guilty of something much more concrete that is not in need of retribution but correction. This being monopolistic behavior. Having heard a mixture of these ideas the courts have come up with a settlement, but this settlement does little to correct the negative behavior that Microsoft is able to do in our economy.

If you recall from basic economic, monopolies operating in a free market are both inefficient and wasteful. It has been shown that while Microsoft is not a pure monopoly it does control a large enough percentage of the market to act that way. The only way of changing this is to allow entry into the market by other competitors, this settlement does not encourage that. In fact the language seems to do little more then provide Microsoft with loopholes in which to escape from. I don't have the time to point out each of these cases but a lot of my views have been reflected in the group letter on-line at http://www.kegel.com/remedy/letter.html. Thank you for listening and I hope this will encourage you to create a stronger settlement that will be more effective.

Ruth Vanderpool
14220 Pacific Ave S Apt L
Tacoma Wa. 98444

MTC–00026139

From: maholley@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:14pm
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,
Marie H. Meshkin
950 N. Balsam Circle
Wasilla, AK 99654–5552

MTC–00026140

From: MichaelRobinett
To: Microsoft ATR
Date: 1/26/02 2:16pm
Subject: MICROSOFT CASE

1. IT IS MY UNDERSTANDING THE REASON FOR THE GOVERNMENT'S ORIGINAL ACTIONS AGAINST MICROSOFT WERE PRIMARILY FOR THE INTERESTS OF ''CONSUMER PROTECTION'' AND I CAN APPRECIATE THE INTENT OF THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT IN THAT RESPECT.

2. THE GOVERNMENT RESTRICTIONS ON PROHIBITED CONDUCT IN SECTION 111. APPEAR TO BE FAIR MINDED AND CERTAINLY IN THE SPIRIT OF THE ORIGINAL INTENT OF THE SHERMAN ACT, NOTING THAT NOTHING IN THE PROVISIONS PROHIBIT MICROSOFT FROM PROTECTING ITS OWN INTELLECTUAL AND BUSINES PROPERTIES.

3. FAIR PRICING STRUCTURES SEEM TO BE A LEGITIMATE AREA OF CONCERN UNDER ANY SHERMAN ACT PROCEEDING.

4. IT SEEMS HOWEVER THAT MICROSOFT HAS CONSISTENTLY ALLOWED END USER ACCESS TO BOTH MICROSOFT AND NON-MICROSOFT MIDDLEWARE AND PROGRAMS FOR BOTH SIMPLE MODIFICATIONS OR REMOVAL SINCE THE 3.1 WINDOWS OPERATING SYSTEM TO THE PRESENT. SO IT SEEMS THE REQUIREMENTS IN SECTION H STARTING WITH THE WINDOWS XP RELEASE ARE A SOMEWHAT MOOT POINT. WHY REQUIRE MICROSOFT TO DO SOMETHING THEY'VE BEEN DOING SINCE WINDOWS 3.1 THROUGH MILLENIUM?

5. UNDER SECTION H.3., MICROSOFT HAS CONSISTENLY ALLOWED NON-MICROSOFT PRODUCTS TO DETERMINE THEIR OWN CONFIGURATION OF WINDOW & ICON DISPLAY, SOMETIMES MUCH TO MY CHAGRIN WHEN THE NON-MICROSOFT PRODUCTS INSISTED ON JUMPING ON TOP OF THE NORMAL OPERATING SYSTEM DISPLAYS, OR ALLOWING OUTSIDE INTRUDER ACCESS TO THE PROGRAMS THEMSELVES IN SUCH A MANNER AS TO OBSTRUCT THE CONTENT OF WHAT THE END USER WAS ATTEMPTING TO PRODUCE, OR BLOCK PRODUCTION OF DOCUMENTS ALTOGETHER. IN SUCH CASES I PERSONALLY SWITCHED BACK TO THE MIDDLEWARE NATIVE TO THE MICROSOFT OPERATING SYSTEM. IN MY OWN OPINION, MOST MICROSOFT PRODUCTS ARE ENGINEERED OR CRAFTED IN SUCH A MANNER TO PROTECT BOTH THE OPERATING SYSTEM ITSELF, AND THE END USER'S ACTIVITIES, WITH THE INTENTION OF CREATING A LOYAL CUSTOMER BASE, AND ULTIMATELY SELLING MORE PRODUCTS. IT SEEMS THE BASIC UNDERLYING ECONOMIC MOTIVE IS BOTH NON-MONOPOLISTIC IN NATURE, AND TO THE BENEFIT OF THE END USER AS CONSUMER.

6. IF MY MEMORY SERVES ME CORRECTLY, THE ORIGINAL ANTI-TRUST FILINGS COINCIDED WITH THE FREE RELEASE OF THE INTERNET EXPLORER BROWSER, WHICH WAS INTERPRETED BY THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT AS BEING MONOPOLISTIC IN NATURE AND UNDERCUTTING COMPETITORS. FROM THE END USER OR CONSUMER STANDPOINT HOWEVER, IT HAD THE OPPOSITE EFFECT. IT WAS THE FIRST SIMPLE AND ACCESSILBE RELEASE OF HTML SOURCE CODE IN MY EXPERIENCE AND WAS THE MODERN EQUIVALENT OF THE FIRST RELEASE OF THE GUTENBERG PRINTING PRESS. WHILE COMPETITORS PRODUCTS ALLOWED VIEWING OF HTML SOURCE CODE, THEY WERE NOT AS EASILY USED IN PRODUCTION OF WEBPAGES, OR HTML FORMAT DOCUMENTS AS THE MICROSOFT PRODUCT WAS. WHILE THIS CERTAINLY IS NOT THE SAME AS RELEASING SOURCE CODE FOR COMMERCIALLY LICENSED PRODUCTS, WHICH THE GOVERMENT IS NOT REQUIRING, IT HAD THE EFFECT OF INCREASING THE FREE FLOW OF INFORMATION OF ALL KINDS IN THE MODERN SOCIETY OF THE INFORMATION AGE. FROM A PERSONAL PERSPECTIVE, THE MAIN EFFECT, IF NOT THE ORIGINAL INTENT OF THE GOVERNMENT'S CASE AGAINST MICROSOFT, WAS TO BASICALLY BLOCK THIS FREE FLOW OF INFORMATION ITSELF. MICROSOFT HAD ALLOWED WIDESPREAD ACCESS TO BOTH PRIVATE AND PUBLIC INFORMATION SOURCES THROUGH ITS PRODUCTS, AND HAD ''DEMOCRATIZED'' THE PRODUCTION OF INFORMATION ITSELF, ALLOWING MULTIPLE VIEWPOINTS TO EASILY BE PUBLISHED VIA THE INTERNET. THE COURSE OF EVENTS SINCE THE GOVERNMENT'S ORIGINAL ANTI-TRUST ACT FILINGS HAS SEEN A SERIOUS REDUCTION IN THE FLOW OF INFORMATION OF ALL TYPES, AND SERIOUS IMPEDIMENTS TO BOTH THE PRODUCTION AND PUBLICATION OF THE SAME. INSTEAD OF INCREASING THE FLOW OF INFORMATION IN A FREE SOCIETY, THE SAME TIME PERIOD HAS SEEN DEVELOPMENTS OF NEW GOVERNMENT TECHNOLOGIES MEANT TO DO EXACTLY THE OPPOSITE. IN FACT IT'S GETTING TO THE POINT WHERE ONE IS NOT SURE THEY'RE ACTUALLY GETTING A MICROSOFT PRODUCT SOMETIMES, OR SOMETHING THAT HAS BEEN ENGINEERED BY ANOTHER BRANCH OF THE PLAINTIFF'S IN THE SUIT, TO DISGUISE ITSELF AS ONE, WHILE PLACING ANOTHER VERSION OF THE TECHNICAL COMMITTEE FROM SECTION 7 ON THE HOME OR OFFICE COMPUTERS OF THE END USERS OR CONSUMERS.

(7. Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington. Microsoft shall also, upon reasonable advance notice from the TC, provide the TC with reasonable

access to available office space, telephone, and other office support facilities at any other Microsoft facility identified by the TC.)

IN A SENSE, THE END USER OR CONSUMER IS BEING SUBJECTED TO THE SAME TYPE OF TECHNICAL OVERSIGHT BY ''COUNTERFEIT'' PROGRAMS WHICH HAVE ACTUALLY BEEN CLEVERLY ALTERED BY THE ''PLAINTIFF'S'' THEMSELVES IN THE SENSE THAT OTHER BRANCHES OF THE GOVERNMENT HAVE REQUIRED BOTH THE TELECOMMUNICATIONS INDUSTRY AND ISP PROVIDERS TO PROVIDE INCREASED SURVEILLANCE CAPACITY. IN A TWO PARTY POLITICAL SYSTEM, THAT CAN SOMETIMES HAVE THE UNUSUAL EFFECT OF PRIVATE INDIVIDUALS IN CONTROL OF SEVERAL TRILLION DOLLARS IN GOVERMENT FUNDS AND RESOURCES, ACTUALLY ACTING IN VIOLATION OF THE SHERMAN ACT THEMSELVES FOR FOUR YEAR PERIODS. IN CONCLUSION, IT DOESN'T SEEM THAT MICROSOFT HAS ACTED IN A MANNER DETRIMENTAL TO THE END USERS OR CONSUMERS THEMSELVES. IF ANYTHING, IT ACTED IN A MANNER WHICH ALLOWED END USERS INCREASED ACCESS TO POLITICAL INFORMATION, BUSINESS OPPORTUNITIES, AND PERSONAL EXPRESSION.

RESPECTFULLY,
MICHAEL ROBINETT

MTC–00026141

From: David Ragaini
To: Microsoft ATR
Date: 1/26/02 2:18pm
Subject: microsoft settlement

To Whom It May Concern;

I find it tragically ironic that, at the same time the American government is waging war against an unspeakable evil—radical Islamic terrorists, it is seeking to undermine one of the great forces for good the world has ever seen: the Microsoft Corporation. Microsoft has benefited millions upon millions of people in its 27 years of existence. It has brought the world and knowledge of it to their doorstep. And it has done this without resorting to force; indeed, any privately owned company must accede to the demands of the marketplace (Only government-owned monopolies have the power to force their product upon the populace).

I strongly urge that the government's anti-trust case against Microsoft be dropped. It would be a monstrous miscarriage of justice for such a phenomenal agent for good to be punished solely BECAUSE it is good. Microsoft's products have fairly and honestly beaten those of its competitors. The force of our government must be used to fight evil, as it is now doing in Afghanistan; it must never be used to shackle honest, beneficial companies like Microsoft.

Sincerely,
David Ragaini
264 Eagleton Estates Blvd.
Palm Beach Gardens, FL 33418

MTC–00026142

From: PC (pcsbs)
To: Microsoft ATR
Date: 1/26/02 2:18pm
Subject: Microsoft Settlement

I strongly support the acceptance of the current settlement between the DOJ and Microsoft. The DOJ and many states'' Attorney General have, in my opinion, been unfair and extreme in their targeting of Microsoft in pursuit of political goals. I work in the technology industry. I use products of Microsoft's competitors as well as Microsoft. I will use the product that I feel is the best for what I want to accomplish. Microsoft has been innovative with it's products and has marketed them with business savvy. It is unfair to allow it's whining competitors to use the government to stymie competition and artificially alter the effects of the free market. The settlement currently being considered is FAR MORE than fair in righting any technical errors made on the part of Microsoft. For the sake of the US economy and the welfare of innovation and our economic viability and sovereignty in the world, this harassment must stop.

Regards,
PC
Phil Cagle
Irvine, California

MTC–00026143

From: Dennis Austin
To: Microsoft ATR
Date: 1/26/02 2:19pm
Subject: Microsoft Settlement

Dear Sir or Madam:

This email is to express my approval for the proposed settlement of the Microsoft anti-trust action. The settlement has been agreed to by Microsoft, the Department of Justice, and nine of the states pursuing a case. It is important that this settlement be approved and the energies of all involved moved on to new challenges.

—Dennis Austin (private citizen)

MTC–00026144

From: bnorf410@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:20pm
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,
Bailey Norfleet
3825 Old Dover Road N
Woodlawn, TN 37191–9046

MTC–00026145

From: J. Haugh
To: microsoft settlement
Date: 1/26/02 2:30pm
Subject: microsoft settlement

This caving into the several states involved in the microsoft dispute will only discourage new entrepreneures. Leave microsoft alone, I can only commend him, Bill Gates, for his genius.

J.M.S.Haugh

MTC–00026146

From: Rick Wong
To: Microsoft ATR
Date: 1/26/02 2:32pm
Subject: Microsoft Settlement

To whom who may concern,

I would like to express my opposition of the proposed Microsoft Antitrust Settlement in its current form. Based on previous court rulings, it clear that Microsoft had violated antitrust laws and has been continuing to do so. The current proposed settlement not only fails to punish Microsoft's wrongdoing, but also provides Microsoft further its monopoly and antitrust practice. I wish the court would carefully review the case and place put a penalty that is fair for the consumers and industry suffered by the Microsoft monopoly practice.

Sincerely,
Rick K. Wong
California

MTC–00026147

From: jstein@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:32pm
Subject: Microsoft Settlement
To: The Honourable Renata B. Hesse:
Judge of the Antitrust Division
U.S. Department of Justice
microsoft.atr@usdoj.gov

Dear Madam Justice Hesse,

I am not pleased with the settlement proposed between the DOJ and Microsoft. Microsoft claims that the consumer was not harmed by their actions. I disagree. At one time I had a choice about the Operating System that came with my computer. I also could choose the Word Processor, Spreadsheet and Database applications. I chose to use IBM's OS/2 operating system and Lotus SmartSuite for OS/2. Because of Microsoft's monopolistic practices, my choices have been, for all practical purposes, been reduced to Microsoft OS's and Microsoft applications (Microsoft Office). Most major OEM's preload these on any new computer that I buy. I will have to pay extra to get something else. Because of Microsoft's monopolistic practices, my investments of time and money in OS/2 based products have been rendered to zero value—-a loss that has been unfairly placed upon me.

As shown in the ''Findings of Fact'', Sections 115 thru 132, ''In sum, from 1994 to 1997 Microsoft consistently pressured IBM to reduce its support for software products that competed with Microsoft's offerings, and it used its monopoly power in the market for Intel-compatible PC operating systems to punish IBM for its refusal to cooperate. Whereas, in the case of Netscape, Microsoft tried to induce a company to move its business away from offering software that

could weaken the applications barrier to entry, Microsoft's primary concern with IBM was to reduce the firm's support for software products that competed directly with Microsoft's most profitable products, namely Windows and Office''. I and many others had chosen to use OS/2 and Lotus SmartSuite for OS/2. We did this for very good reasons, especially OS/2's technically superior design. (See Note at end of letter). Not only did Microsoft cause IBM to cease marketing these products, Microsoft caused IBM to cease using these products in their own offices. How can you sell a product that you don't use yourself? (See ''Findings of Fact'', Sec. 118: ''Specifically, the PC Company would receive an $8 reduction in the per-copy royalty for Windows 95 if it mentioned no other operating systems in advertisements for IBM PCs, adopted Windows 95 as the standard operating system for its employees, and ensured that it was shipping Windows 95 pre-installed on at least fifty percent of its PCs two months after the release of Windows 95''. The ''Findings of Facts'', Sec. 116 tells us ''When IBM refused to abate the promotion of those of its own products that competed with Windows and Office, Microsoft punished the IBM PC Company with higher prices, a late license for Windows 95, and the withholding of technical and marketing support''.

I do not think a fair settlement can be reached until Microsoft makes right the harm done to me and many others. Today, we have to accept Microsoft's poor quality products. Where is Word Perfect and Lotus SmartSuite today? Microsoft has caused to exist an environment in which they control the profitability of competing products. If a company can't get their product pre-installed on a new computer, it can't afford to develop it. And Microsoft makes sure that it's products run better on it's operating systems by denying competitors information (API's) necessary to build competitive products. Recently there has come forth increased concern that the proposed settlement contained many loopholes and exceptions. Serious questions have been raised about the scope, enforceability and effectiveness of the proposed settlement. Please reconsider the current settlement terms so that competitors have a more even playing field in which to compete with Microsoft. This is the only way that I, as a consumer, can choose what software and operating systems are best for me without having to be, at the very least, penalized by much higher costs and being worried abnormally about the survivability of products that compete with Microsoft.

Note concerning the design of OS/2 versus Windows: From an article entitled ''The Big Blue-Redmond Connection'' by Diane Gartner in IQ Newsletter—Issue #7, January 2000 found at: http://209.0.210.17/IQN/7–2000jan/iqn7-Blue-Redmond—Connexion.html ''Big Blue's OS/2 team had discovered that the Microsoft approach of placing the Graphic Device Interface (GDI) plus the Graphic User Interface (GUI) into the kernal was a disastrous mistake that led to instability: any little application ''bug'' or glitch that would affect the interface also could affect the underlying OS and bring it down to a crash. Microsoft was informed of this danger by IBM, but insisted that their approach gave an important benefit of speed by allowing applications to access the kernal directly—yes, even if it were at the cost of stability. The IBM programmers maintained that such instability was needless, and the crash could be easily prevented; their solution was to separate and protect the OS/2 kernal, without having to sacrifice any speed whatsoever. In fact, IBM independently made that very simple but crucial design improvement, among other innovations, which together have lent stability as well as power to OS/2 ever since the days of version 1.30''. ''But how did Microsoft react? For reasons we may never be able to fathom, they balked at the very notion of correcting the design error. Whether it was due to obstinacy, vanity or perhaps envy toward IBM's OS/2 programmers, Microsoft's decision was to leave the programming flaw where it was, and ultimately, to leave the team''. ''Version numbering aside, the changes made by Microsoft to NT did not include the architectural improvements made by IBM to OS/2. Instead of removing the GDI and GUI from the kernal to keep it clean ''n'' lean like OS/2's, Microsoft actually added more code to the kernal of NT. The ever-increasing bloat has not done NT a bit of good. Instability still occurs today in NT versions 3.5x and 4.x and presumably in Windows 2000. The design flaw is now often referred to as a Ring 0 crash, because that spot is where the GDI and GUI are intertwined in NT. Many application programming errors are made in that area because Microsoft neglects to provide third-party developers with essential information on how to avoid the problem''.

Sincerely,
James P. Stein
324 Mt. Royal Blvd.
Pittsburgh, PA 15223–1220
Phone: 412–781–3467

MTC–00026148

From: JFortlage@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:33pm
Subject: settlement Enough already.

Where have you been while Enron was running amuck? But then they made major political contributions while Microsoft was just inventing a better mousetrap.

MTC–00026149

From: Jopao@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:34pm
Subject: Microsoft Settlement

Please stop this case from going further there is nothing to be gained, the Government on behalf of the Public made fair and equitable settlement. And should be accepted by all States. The Nine States holding should not supersede the will of the 41 States that have accepted the settlement. The majority deserves to be served. IF THIS GOES FURTHER THE BATTLE MAY BE WON BUT THE WAR WILL BE LOST! THANK YOU FOR TAKING THE TIME TO READ THIS! Joseph Paoletti

MTC–00026151

From: REKLAWCR@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:37pm
Subject: Microsoft Settlement

The sooner this is settled the better. Let all those DOJ lawyers work on something more important: Enron & Arthur Anderson.

MTC–00026152

From: Joe Hartmann
To: Microsoft ATR
Date: 1/26/02 2:38pm
Subject: Microsoft case comments

Dear Judge Kollar-Kotelly,

I am a retired aerospace engineer with a 27 year old daughter and a 20 year old son living at home. Both of my children are heavy computer users and we have 4 computers in our home. We use Microsoft and other programs and we have never felt being cheated or overpriced by any Microsoft products. I feel that Oracle, Sun Microsystems and AOL (who are monopolists themselves in certain areas) are jealous of Microsoft and their products that are better than theirs and are trying to hurt Microsoft any way they can. I also believe that Microsoft, more than any other company, helped the U.S. economy become the world leader and do not understand why our government and especially the remaining 9 states want to cripple Microsoft and hurt our economy more. They are not protecting us consumers. I am very happy with all the free bundled programs from Microsoft that I, as a consumer, would have to pay a lot of money for. In my opinion, they are hurting us. Please settle this case favorably for us consumers and Microsoft.

MTC–00026153

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:38pm
Subject: Microsoft Settlement

The time has come for the Justice Department to end it's expensive and damaging legal action against Microsoft which is not against just one company, but rather an entire industry. The action taken earlier was justified but it has served it's purpose. Further delay is not justified and will serve only to injure those many medium and smaller companies who depend upon Microsoft products. Please complete this legal action for the benefit of all.

Lewis B. Stuart

MTC–00026154

From: Judah Phillips
To: Microsoft ATR
Date: 1/26/02 2:39pm
Subject: Microsoft Settlement

DOJ,
Bad iDEA!

MTC–00026155

From: Bill Bondurant
To: Microsoft ATR
Date: 1/26/02 2:40pm
Subject: No subject was specified.

I am an 82 year old graduate from Northeast Missouri State University(1940)Now Truman State University located in Kirksville, Missouri. My major was Economics and I remember well studying about Anti-Trust laws. I cannot believe what the current administration is trying to do in the case of Microsofts

violation of the Anti-Trust laws. It is very apparent to most everyone I talk to that people realize what Microsoft is trying to do and that the Judge who determined that they are in violation of Anti-Trust laws of the United States was right. And the offer of Microsoft to furnish millions of refurbished computers loaded with Microsoft software is just a contiuance of their attempt to monopolize the computer software market. I have been using a computer for about six years, starting on an Apple II that my son gave me, but 6 months later purchased an Apple Peforma and a year ago moved up to an Apple iMac. I realize that 95 percent of computers use Microsoft programs but that is no reason to allow them monopolize the market in violation of the law.

Sincerely, Bill Bondurant, 1709 South Lewis, Kirksville, MO 63501

MTC–00026156

From: Shelly
To: Microsoft ATR
Date: 1/26/02 2:41pm
Subject: Microsoft Settlement

Dear Senator Santorum,

I am writing to let you know my views on the Microsoft settlement. First and foremost, this case has been in litigation for far too many years now. Secondly, this lawsuit should not have concerned the federal government, since no laws have been broken. Settlements have been reached in various states, all of which have involved appropriate concessions, including more information sharing and changes in Microsoft's business practices. I have firsthand experience with big business. I previously worked in the steel industry, and due to government intervention and regulation, I permanently lost the only job I knew. I wish the lawmakers would try to understand what that is like. Pennsylvania's steel industry will never be the same and it's too late to change that. I urge you to please do your best to see that this does not happen to Microsoft. Our nation's IT industry depends on companies such as Microsoft and our economy also depends on the IT industry. I strongly suggest that it is in the best interest of everyone to discontinue these lawsuits so our economy can return to a sense of normalcy. Thank you for your consideration in this matter.

Sincerely,
John J. Petroci Jr.

MTC–00026157

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/26/02 2:43pm
Subject: Microsoft Settlement

If this settlement forces Microsoft to change their business practice further than they have, then the consumer will suffer and I will suffer. This case should never have been tried, never admitted to court and never gone as far as it has. It has harmed a company and by extension has harmed my software development business. I am not paid by Microsoft but my customers purchase products from them. I have already been harmed by the absurd and groundless pursuit by the Clinton Justice department of this important American asset. I do not believe that it is possible for any software company to be a monopoly since their product, computer software, is simply ideas in a form of speech logical enough to work in a computer. This pursuit of a software company, alleging monopoly, violates my freedom of speech as a computer programmer and harms me in the practice of my consulting business. Please, do not supress the honest and aggressive competition to make life easier for Microsofts competitors who arguably fail through lack of competence and not lack of opportunity. Impose the most minimal penalty possible on Microsoft and get this farce over with.

Geoffrey Feldman
1541 Middlesex St. #8
Lowell, MA 01851
617–429–8966

MTC–00026158

From: Benjamin Dixon
To: Microsoft ATR
Date: 1/26/02 2:44pm
Subject: Microsoft Settlement

I think Dan Kegel's petition says it best so I won't reiterate all that here. However I will say the Microsoft Settlement is ineffective and will ultimately allow Microsoft to run its business as it always has. Benjamin Dixon

MTC–00026159

From: Dan Derby
To: Microsoft ATR
Date: 1/26/02 2:44pm
Subject: Microsoft Settlement

I feel I've been victimized by Microsoft's monopolistic practices, not only in paying more than a product is worth, but also in seeing the entire computer OS platform I use become ineffective. I purchased MS Office when it was only offered for the Mac (version 3) and was satisfied with the product. However, after MS launched Windows, the next upgrade to Office (Version 4) didn't work as advertised, and interfered with Mac operating system—causing countless crashes (I believe MS Office Manager never worked and was never fixed). This sudden ''breaking'' of a product originally designed for the Mac but continued to work well on their new Windows OS, implies the company did it damage Apple. Beside defrauding me out of $600, the failure of this program suite to work properly on the Mac, I believe, drove the Mac out of the business and government environments. This loss of market caused my investment in Apple products to become less effective as well. I also believe Apple was unable to protest for fear of further losing MS productivity suite support. While I sincerely feel this is an obvious example of MS's unethical and probably illegal practices. I'm also convinced the proposed settlement gives MS a boost in the education market, again at Apples expense. I have a much simpler settlement: Enforce the government's policy of not allowing sole source purchases. Simply limit MS's total share of any one type of software suite (OS, Web browser, productivity apps, etc) to less than 50% of US government purchases. In fact the US government should never allow any company to control more than 50% of any commonly used software genre owned by the government. WHY AREN'T SOLE SOURCE RULES APPLIED TO MICROSOFT? CAN THE GOVERNMENT DEFEND IT PURCHASING PATTERNS in light of the court ruling?

Dan Derby

MTC–00026160

From: Joyce Clarke
To: microsoft.atr
Date: 1/26/02 2:45pm
Subject: Microsoft Settlement

I disagree with the terms of the proposed Microsoft settlement. As far as I can tell it will change nothing. Microsoft will continue to have the monopoly's stranglehold on operating system, software and in many cases, hardware. Microsoft should be treated exactly as were ATT and IBM— split into separate companies with none having control over or connection with the other.

Joyce
Joyce Clarke
http://jc-clarke.usana.com

MTC–00026161

From: Bob Dunlap
To: Microsoft ATR
Date: 1/26/02 2:45pm
Subject: Microsoft Settlement

This settlement is ridiculous. Microsoft has done untold damage to many competitors with their predatory business practices. This has been proved in court. Their punishment should be more than a wrist slap. It should put them in a position where they can no longer conduct business in this unfair manner.

Microsoft also has disregard for their customers. Since they have the only viable operating system, Windows, they can set the price where they want and provide little or no support after the product is in the marketplace. Look at how the prices of other elements of the PC have dropped drastically, while the price of Windows has stayed the same or increased. And if you have a computer of your own with Windows, you must be aware of the instability of the product. When you call Microsoft for help, they charge exhorbitant fees to resolve problems in their product. There is no warranty!

Periodically, on their own schedule, and with no regard for the needs of their customers, Microsoft will provide an update for Windows via download from their website. This is fine for those of us who have internet access, but the quality of these updates is poor. I have tried installing them and seen my system stability go from bad to worse.

In my view, Microsoft is an arrogant, greedy corporation. Their goal is to squash all competition so they don't have to provide their customers with excellent service. They have no regard for the law or for the courts. They need to receive a strong message that we won't tolerate this type of business conduct!

Sincerely,
Robert A Dunlap

MTC–00026162

From: Dan Derby
To: Microsoft ATR
Date: 1/26/02 2:46pm
Subject: Microsoft Settlement
Subject: Microsoft Settlement

I feel I've been victimized by Microsoft's monopolistic practices, not only in paying more than a product is worth, but also in seeing the entire computer OS platform I use become ineffective. I purchased MS Office when it was only offered for the Mac (version 3) and was satisfied with the product. However, after MS launched Windows, the next upgrade to Office (Version 4) didn't work as advertised, and interfered with Mac operating system—causing countless crashes (I believe MS Office Manager never worked and was never fixed). This sudden ''breaking'' of a product originally designed for the Mac but continued to work well on their new Windows OS, implies the company did it damage Apple.

Beside defrauding me out of $600, the failure of this program suite to work properly on the Mac, I believe, drove the Mac out of the business and government environments. This loss of market caused my investment in Apple products to become less effective as well. I also believe Apple was unable to protest for fear of further losing MS productivity suite support.

While I sincerely feel this is an obvious example of MS's unethical and probably illegal practices. I'm also convinced the proposed settlement gives MS a boost in the education market, again at Apples expense. I have a much simpler settlement: Enforce the government's policy of not allowing sole source purchases. Simply limit MS's total share of any one type of software suite (OS, Web browser, productivity apps, etc) to less than 50% of US government purchases. In fact the US government should never allow any company to control more than 50% of any commonly used software genre owned by the government. WHY AREN'T SOLE SOURCE RULES APPLIED TO MICROSOFT? CAN THE GOVERNMENT DEFEND IT PURCHASING PATTERNS in light of the court ruling?

Dan Derby

MTC–00026164

From: Tomlohman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:50pm
Subject: Microsoft Settlement

I strongly support the antitrust settlement between Microsoft, the DoJ and nine states. I believe that the terms of the settlement are reasonable and fair to all parties. It is time to move forward.

Thank you.

Tom Lohman
4011 Winchester Loop
Anchorage, Alaska 99507
(907) 349–3229
tomlohman2@aol.com

MTC–00026165

From: Fred5040@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:51pm
Subject: Microsoft Settlement

Please stop any more persecution of Microsoft. Enough is enough! Microsoft should not be disbanded. They product they provide is fantastic value for the price. They are not endangering the end user by bundling their software. If the consumer wants other products, they are free to buy them. Just because Microsoft is successful at what they do, they should not be penalized anymore than they already have. Let the competitors improve their products, that is the fair and American way to compete in today's world.

Joanmarie Hofmann
Wesley Chapel, Florida

MTC–00026166

From: Peter
To: Microsoft ATR
Date: 1/26/02 2:52pm
Subject: Microsoft Settlement

Dear Sirs

The proposed settlement SUCKS!!!

Pete Matuszewski
New Orleans University Student

MTC–00026167

From: W. D.
To: Microsoft ATR
Date: 1/26/02 2:55pm
Subject: Microsoft Settlement Hey Do-dos!

Your job is to break up Microsoft!

It is obvious that they only care about making piles of money for themselves. They care nothing about the LAW or fair competition.

This proposed settlement does nothing to keep MicroSuck from anti-competitive behavior.

The only thing Gates, Ballmer, etc. understand is a big fat stick.

Break them up!!!!!!!!!!!!!!!!!!!

MTC–00026168

From: Benjamin Stanley
To: Microsoft ATR
Date: 1/26/02 2:56pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea.

B.

MTC–00026169

From: Roger Zimmerman
To: Microsoft ATR
Date: 1/26/02 2:56pm
Subject: The Microsoft Settlement

To whom it may concern:

I am a computer professional who has used the products of many parties surrounding the Microsoft lawsuit (Sun, Netscape, IBM, and, of course Microsoft, among others) throughout my 20 year career. I believe the best conclusion to this matter would be for the federal and state governments to stop interfering in what is a perhaps America's greatest success story—our computer industry. At the very least, the U.S. government should honor the settlement it has offerred thus far, and should compel all of the states to do the same. Microsoft should be allowed to get on with its business of making good products which serve a dire need in the marketplace.

I speak from a great deal of experience. I use computers in all aspects of my life, from my profession as a scientific programmer, in email communications with my friends and colleagues, and with my three daughters, whom I guide through the use of the internet and in a vast array of educational software. My wife has her own business for which the our home computer is her primary means of communication and research. In all of these pursuits, I have been exposed to a small slice of perhaps the richest and most empowering array of technologies the world has ever seen, or at least that have been made available to the masses.

Many of these products are from Microsoft. By and large, I have found their software to be accessible, understandable, and stable. They get the job done, and their consistency of interfaces, relative ease of use, and inter-operability are a great boon to the novice computer users among my family and friends. But, many of the products my family and I use are not from Microsoft. Indeed, at eScription, I work in a small group of engineers which employs a network of 25 Linux-based (purchased from Red Hat) computers to do enormous amounts of computation and database management. We also communicate with our customers and adminstrative colleages on networks of primarily Microsoft-driven machines. These machines interact seemlessly thanks to software and hardware from countless American and international companies. From a consumer's perspective it is impossible to reconcile this panoply of offerrings with any characterization of ''monopoly''. There is virtually no barrier to obtaining software products from absolutely anyone who produces them. It insults my intelligence to have the government name me as a ''victim'' of this situation.

The more important point, however, is not the impact of the case against Microsoft on consumers. It is its impact on producers. What kind of a country do we want to live in? Do we want success to be punished or rewarded? Do we want property rights to be protected or infringed? Do we want our corporations to run to the government if they see a better competitor achieving success by providing what consumers want? I submit that the answer to these questions is: we want freedom. The freedom to innovate, to succeed (and sometimes even fail), and yes, the freedom to make our own decisions about what we want to buy. The government can best do its job by protecting these freedoms.

Let Microsoft be Microsoft!

Sincerely,

Roger S. Zimmerman 32 Hastings Street Wellesley, MA 02481 roger@escription.com rogerzim@mediaone.net (781)235–1939

MTC–00026170

From: WBracken1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:56pm
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 Bracken
1006 East 11th St.
Lehigh Acres, FL 33972

MTC–00026171

From: Steve Parker
To: Microsoft ATR
Date: 1/26/02 3:06pm
Subject: sign it already

Dear DOJ:

Please put this to rest so we can all get back to business without any more damage being inflicted upon the US public and the US Economy! Not to mention the fact that this has had world-wide impact!

Thanks.

A Concerned Citizen & Computer Consultant

(who does not necessarily care for Microsoft and its products)

Steve Parker
sparker@apk.net

MTC–00026172

From: piano-player@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:00pm
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,
Gerald Kleppinger
4219 N Elm
Spokane, WA 99205–1459

MTC–00026173

From: Jason A. Tripp
To: Microsoft ATR
Date: 1/26/02 3:04pm
Subject: Microsoft Settlement

Dear Sirs:

I am an independent software developer in Northeastern North Carolina, and I just wish to comment on the upcoming settlement proposed in the Microsoft vs. US DOJ antitrust case. I believe there are very many key points which your proposed settlement did not address, but I believe one of the MAIN points to be that your settlement does not prohibit Microsoft from unfairly modifying (or prohibiting via licensing restrictions) programs based on the Windows API so that they will not run on non-Microsoft operating systems. This type of restrictive programming would force companies to do multiple ports of their software, a costly and time-consuming process, in order to get their software to run on multiple (and Microsoft-competitive) operating systems. The wording of the settlement should be changed to prohibit Microsoft from stopping programs based on the Windows API from running on operating systems other than Windows. After all, in my opinion most people use Windows just because there's so much software written for it; and that software, because of Microsoft's unfair business practices and licensing restrictions, will not run on other OS's. Microsoft would find itself faced with much stiffer (and more successful) competition if it could not unfairly restrict companies which are designing Windows API-based software in this way.

Sincerely,
Mr. Jason A. Tripp
Independent Software Developer
Edenton, NC
jeddhor@yahoo.com

MTC–00026174

From: jovitoIII
To: Microsoft ATR
Date: 1/26/02 3:04pm
Subject: Microsoft Settlement

We feel it is past time to resolve this issue. We believe the settlement if reasonable and fair to all parties involved. The country needs to get past this and it time to be settled.

Thank you
Joe & Vickie Bellotti

MTC–00026175

From: Herman Kling
To: Microsoft ATR
Date: 1/26/02 3'07pm
Subject: Microsoft Settlement
Herman Kling__
9 Jolly Roger
WayWaretown, New Jersey 08758
Fax:
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you concerning the recent Microsoft settlement, and the fact that it may be delayed even further than it already has been. After three years of negotiations, it seems ridiculous to hold back this agreement. Not only was this a well thought out procedure, but it was also well monitored.

Why waste our precious resources fighting a battle that has already been won. The more we delay the process the more we hold back our technology industry. This agreement was made in the interest of all parties involved. Microsoft will share information about the internal workings of Windows, and will be monitored by a government oversight committee. Let us allow the terms to work for themselves, and let our IT sector get back to work.

I urge you to support that no more action be taken against this settlement. We need to get our technology industry back on track, and not hold them up any longer.

Sincerely,
Herman Kling__
Fax:
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Waretown, New Jersey 08758
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Fax:
January 7, 2002
Attorney General John AshcroftUS Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

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I urge you to support that no more action be taken against this settlement. We need to get our technology industry back on track, and not hold them up any longer.

Sincerely,

Herman Kling

MTC–00026176

From: Mary E. Daudelin
To: Microsoft ATR
Date: 1/26/02 3:07pm
Subject: Microsoft Settlement
To: United States Department of Justice
Subject: Microsoft Settlement Comments
Date: Friday, January 25, 2002

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application.

As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use their NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser type (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that originally introduced me to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not utilize their products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some damn good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be even easier if I could convince everyone on this planet to use Microsoft OS's and browsers, IBM laptop computers, the same size monitor and to access the Internet via cable, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between computers/systems/browsers in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost) and that this case should come to immediate closure.

Sincerely,

M. E. Daudelin

iN21, Incorporated

MTC–00026177

From: Teri Bray
To: Microsoft ATR
Date: 1/26/02 3:09pm
Subject: Microsoft Settlement

I am writing this email in support of the antitrust settlement between Microsoft, the Department of Justice and the nine states. I feel that each of these parties has gone through extraordinary steps to reach a settlement that meets the issues of the original claim and corrects the issues that are addressed in this action. It would be my hope that the court would accept this settlement and, in so doing, help to move these parties toward being a more productive member of the industry and society.

I am very disappointed with the continued negative stance by the remaining states and other organizations that have continued to press for more drastic actions against Microsoft. I do not feel that these steps are reasonable, nor are they in the best interest for the most important people—the consumer. I do not feel that any of these parties have correct motives for their actions.

I feel that Microsoft has taken every step possible to meet the needs of the consumer worldwide through its innovation and market forecasting. I do not feel that Microsoft should be punished purely for better forecasting and having the ability to provide a product that meets consumer needs, while other organizations have failed in this attempt.

While Microsoft has made mistakes in some areas, I feel that the settlement between Microsoft, the Department of Justice and the nine states has taken sufficient steps to correct those areas and helped to ensure that such actions will not be repeated. I feel Microsoft has been a leader in the technological industry and has helped to bring the society to where it is today. Continuing these legal actions not only stifles these organizations, but the technological industry and society as a whole. Accepting this settlement is in the best interest for all parties and will help to move this industry back to one of cooperation, innovation and advancement toward the future.

Respectfully,

Teresa J. Bray

MTC–00026178

From: Michael Drone
To: Microsoft ATR
Date: 1/26/02 3:12pm
Subject: Microsoft Settlement

26 January, 2002

Attorney General Ashcroft,

It is my fervent belief that that Microsoft should no longer be subject to the vagaries of this antitrust suit. The U.S. system of justice, while one of the finest in the world, has in this case been usurped by a group of tech sector companies who are behaving no better than a band of brigands prowling the medieval roadside. To wit, they will gladly plunder a wealthy target to line their own larcenous pockets.

Mercifully, Microsoft and the DOJ have reached a settlement that can put the American people out of this case's misery. In an ideal world, this suit whould never have been brought at all. However, in an ideal world, I'd be romantically involved with Liv Tyler. Suffice it to say, neither of those options are feasible at this time.

Some opponents say that the settlement lets Microsoft off the hook with only a slap on the wrist. I have perused the settlement, however, and can only conclude that those who deride the settlement must be smoking some sort of powerful hallucinogenic substance. Under this settlement, Microsoft will have to accept provisions that would be the WWF equivalent of being on the recieving end of the Undertaker's devastating Last Ride, Stone Cold Steve Austin's patented Stone Cold Stunner, and the most electrifying move in sports entertaintment—the People's Elbow, consecutively. This is the exact antithesis of getting off easy.

This antitrust suit has been more taxing on America's patience than the recent spate of reality-based television. I don't forsee NBC, ABC, CBS, or FOX changing their scheduling plans anytime soon, so the least that the country could do is end this lawsuit and accept the settlement. Thanks to the intern of staff assistant who's reading this for taking the time out of your day. I hope it's been both informative and, in some small part, entertaining.

Sincerely,

Mike Drone

MTC–00026179

From: Doby Fleeman
To: Microsoft ATR
Date: 1/26/02 3:10pm
Subject: Microsoft Settlement

Writing both as an individual citizen, and as a businessman, I find it particularly sad that our system of justice is being utilized to penalize the company that more than any other has been so much responsible for the success of the PC market and for the dominance of the United States in the area of software applications and to .

Tough, maybe, but Microsoft has made Windows DOS the universal language of personal computing. That, alone, brings jobs and prosperity to the US economy.

While the lawsuits have now succeeded in distracting Microsoft and in allowing other operating systems such as Linux to make inroads, it is not obvious that this is a great benefit to the United States or our economy.

While AOL/Time Warner (is that the same Time/Warner who dominates so much of our

media markets?) is now trying desperately to push other blockades in the path of Microsoft, hopefully it will not find a willing accomplice in the form of the United States Government.

Please stay the course and provide the impartial justice for which your office is known.

Signed,
Grateful to be an American!
William Fleeman
44513 So. El Macero Drive
El Macero, CA 95618

MTC–00026180

From: Steve Carr
To: Microsoft ATR
Date: 1/26/02 3:16pm
Subject: Microsoft Settlement.

Please resolve this suit against Microsoft quickly and fairly. Due to Microsoft's success and competitive nature, companies who have less superior products and no marketing power are upset and trying to make their fortunes via unfair lawsuits. Local governments that support these companies are of course supporting them (it's their duty) and looking for a piece of the pie.

The browser integration into Windows was not illegal and has not hurt consumers. It's required functionality for today's technology level just as Terminal programs were in the past. In the past when modem dialup was becoming popular, people were required to download modem connection programs from a dialup BBS. Since the OS didn't initially supply this functionality, consumers were left in a frustrating catch-22 situation. They needed dialup access to download a terminal program, but since they didn't have a terminal program, they didn't have dial-up access to do so. Microsoft integrated a terminal program that was good enough for some, while others used it to download their application of choice. If there was not a web browser included with Windows, we'd be in the same position. It's a required feature for today's online access. Users are still free to download other browser software if they choose to do so. There is choice.

The browser functionality was further integrated into the operating system, not to kill off competitors but to gain functionality. Why develop several technologies when one could be used for multiple purposes. Browser software is after all just a language interpreter. It was initially required to support HTML used by web servers. The language became more powerful over time and became used for more than just web server interpretation. Help files for the OS and other applications for example could now be created in HTML instead of using proprietary help file formats. The OS needs functionality built in to read these help files. Non-OS help files (applications) could only be distributed if each application was bundled with interpretation software (browser) unless it could assume that an interpreter was already installed on the computer. For this to be guaranteed, it has to be built in. Browser technology has moved beyond even web server and help file interpretation. Now it's used to browse files and folders on the computer as well. That's a good thing. People can customize how different directories look and have more information available that a flat file list. Again, good for the consumer.

There are other points brought up such as price breaks to OEMs for bulk deals or contracts requiring exclusive application placement to get price cuts. Is that illegal? Not to my knowledge. Many businesses do this. If you buy a product in bulk at the grocery store, it's cheaper. Buy two, get one free. Coupons supplied in the newspaper each Sunday advertise purchase these two products from a company and get a discount on this other product. It's done all the time, it always has been, and it's not illegal.

I'm sorry to babble here, I'm just frustrated that so much time and money is continually wasted to satisfy people that cry fowl when they fail at something. I spilled coffee, I'm going to sue. I can't control myself, punish everyone else and make this illegal. My business didn't pan out because someone wrote better software than me, I'm going to sue. Put a rest to this garbage and stop punishing a company for their success. If you feel you need to protect others from individual success, then propose and create new laws based on the voters opinion; but please don't destroy a company to satisfy sore losers.

These personal opinions are my own and should be treated as such.

Sincerely,
Steve Carr

MTC–00026181

From: Justin Jones
To: Microsoft ATR
Date: 1/26/02 3:16pm
Subject: Microsoft Settlement

Hello,

With Microsoft strongarming the DVD industry into using Windows Media and already holding the patent on the ''Digital Rights Management Operating System'', they are poised to leverage absurd control over the standards and formats for digital media in the near future. Given that the legal system cannot move as quickly as the software industry, this is a very important opportunity to prevent Microsoft's anticompetitive strategies from spreading into new markets by producing a ruling that will firmly prevent future monopoly and encourage competition in both established and emerging markets.

I support stronger action than the currently proposed settlement, and add my voice to the comments posted at http://www.codeweavers.com/~jwhite/tunneywine.html and http://www.kegel.com/remedy/letter.html.

Thank you,
Justin D. Jones

MTC–00026183

From: Jerry (038) Annette Prioste
To: Microsoft ATR
Date: 1/26/02 3:17pm
Subject: Microsoft Settlement

Please approve the antitrust settlement between Microsoft and the Dept. of Justice and nine states. This settlement is needed to heal the economy. My wife and I believe that the terms are more than fair to all parties involved. The terms will greatly help the consumer have the best products through competition while achieving lower prices. The antitrust laws were intended to keep consumers from paying higher prices due to monopolist practices. The antitrust settlement should not be about helping a few competitors like AOL and Sun Microsystems. AOL already has a lawsuit against Microsoft for a price greater than the value of Netscape.

Let Microsoft and the industry move forward. Microsoft is the best US company ever to promote technological advances and economic growth in this country. Let competition and the consumer determine what is best for technological advances, not government regulation and greedy lobbyist (ENRON as example). The economy and the stock market will improve if this settlement is approve. If the settlement is not approved, consumers and technological innovation will be harmed. Please do the right thing for the consumer, APPROVE THE SETTLEMENT.

Thank you,
Jerry Prioste and
Annette Prioste
11614 North 68th Place
Scottsdale, AZ 85254–5142

MTC–00026184

From: timbloom@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:18pm
Subject: Microsoft Settlement

harsher punishments need to be done

MTC–00026185

From: Robert H. Schmidt
To: Microsoft ATR
Date: 1/26/02 3:22pm
Subject: Microsoft Settlement

To whom it may concern:

We think it's time the government settled its case against Microsoft. It may be coincidental but the antitrust announcement against Microsoft may have caused the economic downturn and the downward spiral of the stock market—especially the NASDAQ.

The persecution of this corporation was generated by such giants as AOL/Time Warner, who were jealous of its success. It's now time to stop this unnecessary and wasteful expense and get the country and economy moving forward in a positive manner.

Sincerely,
Robert H. Schmidt
Norma M. Schmidt
1313 Franklin Ave.
Cinnaminson, NJ
08077–2711

MTC–00026186

From: Brian Wendell Morton
To: Microsoft ATR
Date: 1/26/02 3:21pm
Subject: ''Microsoft Settlement''
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft.

I am a dedicated purchaser and user of Apple Computer products. Almost from the beginning, Microsoft has done whatever it felt necessary to undermine the Macintosh platform, starting with the outright ''theft'' of the Graphic User Interface that Apple used to revolutionize the computer for the average user. Until Microsoft realized that the platform was going not to be driven into the ground, MS did its best to co-op and/or drive under any developers who saw fit to produce for the Mac. Now Bill Gates has hedged his bets by owning several hundred thousand dollars of Apple stock.

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 its 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. At the start of this administration, it all but announced publicly that it was going to let Microsoft off scot-free, by Attorney General Ashcroft stating that he didn't think the government had a case, thereby, in poker terms, flagrantly showing the other side his cards.

As the nation's legal advocate for citizens against the unchecked abuses of a corporate entity, this act was unconscionable. 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 from a company that sees the political establishment as one to be bought, competitors as enemies to be crushed and where the word ''marketing'' can be freely substituted for ''lying.'' Sort of like the management at Enron. We know what kind of oversight they got, don't we?

Brian Morton
1602 Hollins St.
Baltimore, MD 21223–2429

MTC–00026187

From: svspire(a)nmia.com
To: Microsoft ATR
Date: 1/26/02 3:24pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft settlement.

There are a number of problems with the proposed settlement, but I will focus on just one here: the lack of a requirement to force Microsoft to make their file formats available.

Today it is virtually impossible to find a word processor or presentation package other than Microsoft Word or Powerpoint. They do exist, but they are niche products and their vendors are barely able to survive. It is also virtually impossible to obtain venture capital to start a new business competing with Microsoft in these areas. This is bad news for consumers. More competition is sorely needed in these markets.

There is one major barrier to entry in these markets: the Microsoft file formats. In order to compete with Microsoft Office products, vendors must make their products ''compatible'' with Word, Powerpoint, Excel and the rest of the Microsoft Office suite. And making products ''compatible'' requires expensive reverse-engineering of Microsoft's proprietary file formats. It can be done, but it rarely succeeds 100%, which steers consumers and venture capitalists away from alternative products.

If Microsoft made their file formats publicly available, other vendors would be able to write word processors and other office products that were 100% compatible and thus competitive with those from Microsoft. This would be good for other vendors, good for Microsoft, and especially good for consumers, since there is virtually no competition in this marketplace now.

I do not advocate that Microsoft make their office suite ''open source''—they can still maintain their proprietary advantage in the products themselves, but the particulars of the files that their products create should be made known. This will in no way hamper Microsoft's ability to compete in these markets, but it will encourage competition which does not exist today.

I would not advocate that a company release proprietary information of this nature were it not a monopoly and thus a de facto standard in the industry. If healthy competition existed, there would be no need to release the file formats. But Microsoft clearly has a monopoly in this market which will persist unless these file formats are made public, and other remedies beyond those in the proposed settlement are put into place.

Thank you,
Shannon Spires
Computer Scientist
svspire@nmia.com

MTC–00026188

From: Ron Dong
To: Microsoft ATR
Date: 1/26/02 3:26pm
Subject: Miscrosoft Settlement

Dear Sir:

I am a happy Apple customer. I work in the public schools using IMac's. Over the years I have seen the increasing domination of the computer industry by Miscrosoft. When I read the proposed settlement, I was outraged that such a settlement was even being considered. Miscrosoft is monopolistic. If it can get away with ''giving'' schools old computers that only run Windows, it will be the death of the only competitor left out there, Apple. Miscrosoft needs to be punished for it past practices and not be allowed to continue any of its past predatory practices.

Janice Dong

MTC–00026189

From: Jim/KJ7S
To: Microsoft ATR
Date: 1/26/02 6:21pm
Subject: Microsoft Settlement

Please Open the Attached File This is NOT a Virus

thank You!
Jim Anderson
CC:
Congressman Chris Cannon,fin@mobilizationoffice.co...

MTC–00026189 0001

JIM ANDERSON
95 N, CENTER, P.O. BOX 1. 4
CASTLE DALE. UTAH 84513
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
95(t Pennsylvania Avenue, NW
Washington. DC 20530

Dear Nr. Ashcroft,

I am outraged that Microsoft was brought to trial three years ago. The case has progressed infuriatingly slowly, and has had a negative impact not only on the technology industry, but on the economy, and ultimarely the consumer as well. Now, as if to add insult to injury, Microsoft's competitors and the nine states m which they have influence arc seeking to undermine the settlement and bring additional litigation against the Microsoft Corporation. This is preposterous. America was built on the principles of free enterprise and innovation, and this settlement allows the government to suffocate the very values upon which the country was founded If Microsoft's competitors want the playing field evened, they need to market a product that is capable of competing on the same level as Microft's.

The settlement is generous on Microsoft's part. and is more than fair to its competitors. In the interest of wrapping up the case, Microsoft has agreed to terms and conditions that extend to various facets of the Microsoft Corporation that were not deemed unlawful by the Court of Appeals. The settlement requires Microsoft to make a number of changes, the most reasonable of which, I believe, mandates open sourcing. Microsoft plans to reveal source code to its competitors for use in producing Microsoft- compatible software and operating within the Microsoft framework, Microsoft has also agreed to provide third parties with a license to pertinent intellectual properly rights, also with the intern of facilitating interaction between various software producers and Microsoft

Absolutely no additional action needs to be taken in the Federal courts, Free enterprise is legal, and Microsoft is guilty of nothing more than success in a free market economy, 1 urge you to support the settlement and allow the industry to recover,

Jim Anderson
CC: Rco. Chris Cantata

MTC–00026190

From: David Brownell
To: Microsoft ATR
Date: 1/26/02 3:27pm
Subject: Microsoft Settlement

Attached, please find my comments in opposition to the proposed settlement of the Microsoft antitrust case. These are in HTML format.

I will be sending these separately in hard-copy, since you appear to have no mechanism to acknowledge receipt of comments submitted by e-mail.

- David Brownell

Proposed Microsoft Settlement: Not In the Public Interest

As a software engineer, with over twenty years in the industry, I feel compelled to comment on the proposed Antitrust settlement with Microsoft. These comments are provided in HTML format. I am sending these directly via electronic mail, and also by ''snail mail'' because it appears that the DOJ does not have any mechanism to acknowledge receipt of comments delivered electronically.

In brief, I feel this is disappointingly weak and ambiguous with respect to basic requirements for redress and prevention. It fails to unfetter markets, and in many key respects it is amenable to further abuse by Microsoft rather than preventing such abuse. In several respects it seems to reward Microsoft by institutionalizing, rather than destroying or nullifying, its illegally obtained monopoly, even blocking further prosecution for similar future abuses. The public interest is not served by such a settlement. The proposed revision (from California and other states) is a clear improvement, but these comments do not apply to that. Consumers and competitors have both waited far too many years already; it's time for US antitrust law to finally do something significant to deter this particular corporate criminal.

25 January, 2002

David Brownell

2569 Park Blvd #T-201

Palo Alto, CA 94306

Comments on the Revised Proposed Final Judgement

My detailed comments are presented in two broad groups. First are general comments. Then, comments on the proposed settlement are organized according to the sections to which they apply. Note that since the true extent of lobbying by Microsoft has not been disclosed, I am one of many citizens who are concerned about the process that led to this extremely weak proposed remedy. While it has long been clear that Microsoft has not wanted to act in the Public Interest, it now appears that the company has been in contact with groups within the US Government who are likewise not acting in the Public Interest (despite the requirements placed on office holders). Based on the lack of information in the Competitive Impact Statement, it appears likely that at least the US Department of Justice may have some sort of hidden agenda or agreement to promote a weak agreement. This is exactly the sort of behavior that the Tunney Act review process was designed to expose, to help ensure that antitrust settlements are clearly in the public interest.

General Comments

At the beginning, I will mention my disappointment that the Department of Justice has chosen not to consider structural remedies, which could be the most effective and least invasive solution to these antitrust problems.

Microsoft has repeatedly shown its intent to nullify or evade any legal constraints placed on its conduct. Based on that and the previous consent decree, I can not expect further conduct remedies to be particularly effective. Moreover, I would expect the costs of any truly effective conduct remedy to be substantial, since they would need to work against institutional structures which were set up to promote those unlawful anti-competitive behaviors.

Proposed Microsoft Settlement: Not In the Public Interest file:///c/win/temp/response.

In contrast, structural remedies would apportion more of the costs onto the guilty party (Microsoft), which is where they belong. Done well, they would prevent further monopoly abuses in both current and emerging markets, and would help provide redress to the customers by restoring product choice in ways that could not readily be reversed. Alternatively, it could provide a better model for dealing with the core OS monopoly of Microsoft: like other infrastructure providers, it could be a common career. (Other parts might then compete to provide value-added services. However, I note that ''Microsoft Office'' is also an effective monopoly in one application area.)

The terms of the proposed settlement also discriminate against software in the public commons, which includes Free Software (as well as Open Source Software). Disclosures of technical information are made to companies, but the monopoly harms were also committed against customers that are not companies, and against non-customers. The settlement needs to address all victims of Microsoft's crimes, and it can't effectively do that while assuming that the only victims are Microsoft's customers and market partners (including direct competitors). Moreover, it should not focus (as it does) so exclusively on OEM product distribution channels that other channels are barely recognized.

I would also like to highlight the degradation in security that Microsoft has fostered. Despite some recent initiatives to improve its public relations with respect to such issues, the fact remains that for the last decade or more Microsoft has actively worked to forestall security for computers and the Internet, by encouraging engineering techniques and solutions that were well known at the time to be insecure. (Also, by lack of prompt bug fixes.) Microsoft's monopoly powers were used to prevent better solutions from becoming widely available. Costs of such problems in the year 2001 alone are widely estimated to exceed $2billion to businesses alone. (The best known examples were viruses enabled by Microsoft's executable code technologies, which are by design excluded from technologies such as Java.) These abuses of monopoly power, policies of investing against the public interest, deserve more appropriate consideration in the remedy proceedings than giving Microsoft an effectively unlimited safe harbor provision in this particular area.

Although, as the saying goes, ''I am not a lawyer'', I found the text here substantially more ambiguous than most legal documents I have had cause to examine. These ambiguities do not arise from the usual causes, such as specific legal terms and idioms, or usages specific to legal contexts. The document just does not seem to be cleanly drafted. Since I know that I'm not alone in finding ambiguities here, I believe this reflects significant underlying problems in this proposed settlement, such as lack of true agreement on the intent of the language. Repeating the fiasco of the earlier Consent Decree is clearly not in the Public Interest.

III: Prohibited Conduct

The conduct that is prohibited does not go far enough to prevent certain notable abuses. And in terms of drafting, the fact that so many of the behaviors described here list required behaviors, rather than prohibited ones, makes me believe that I'm only noticing a handful of the ''thought problems'' with this proposed settlement.

A

Section III.A.2 supports Microsoft's anti-competitive ''no naked PCs'' program by allowing Microsoft to retaliate against OEMs with products that do not ship with any Microsoft platform software. An example would be a vendor shipping PCs that offers a base configuration with no operating system at all, or equivalently a Linux distribution (since that could have the same cost of zero dollars). If it only offered a Microsoft OS as an extra cost option (just like any other system component), Microsoft would be allowed to retaliate against such an OEM. Such a vendor would clearly be in the best interest of consumers, since it would support fully informed choice of OS, vendor, and version.

By permitting cross-subsidy, this section effectively permits what it claims to prohibit: retaliation. OEMs that don't promote or license Microsoft products to the satisfaction of Microsoft are effectively retaliated against because they would not receive the ''consideration'' received by other OEMs. Note that of all this industry's players, only Microsoft has enough power in enough different segments to be able to cross-subsidize in that way.

B

The licensing constraints in III.B that apply to the ''Covered OEMs'' would only address hardware that has already reached the level of significant mainstream distribution. It also applies only to operating systems products; Microsoft has been shown to have abused its powers in several other product areas. Microsoft's monopoly power remains unconstrained with respect to companies offering choices within smaller markets, which are fundamental sources of innovation (and hence the source of the strongest latent threats to the Microsoft monopoly). Such constraints appear to best serve those Covered OEMs, rather than customers. Customers would be better served by seeing uniformity of pricing even if they use other OEMs. One effect I see is to deliver more equitable pricing to those OEMs, while not constraining Microsoft's behavior in the rest of the market. Moreover, even those OEMs are not protected against Microsoft efforts to churn newer (less well proven, less trustworthy) software by jacking up prices for more mature releases.

In addition to smaller (non-Covered) OEMs and distributors of boxed software (such as Fry's or CompUSA), examples of concern to

me include VARs (often working closely with ISVs and IHVs to sell semicustom systems) and corporate buyers. All of those effectively do the later stages of system manufacturing themselves. They would often by preference acquire ''naked PCs'', perhaps adding specialized hardware, and then install custom packages of OS and application software. It appears that none of these channels are to receive the benefits of the more equitable pricing. Their customers are still fully subject to prices manipulated and inflated by the monopoly powers of Microsoft.

C

III.C seems to allow all such restrictions so long as they are not by ''agreement''. If that's intended to mean something, it's clearly bad: a loop-hole. If it's not, it should just be removed so that Microsoft is always forbidden such restrictions. Similarly, Microsoft seems to be allowed to restrict all non-OEM customers in these undesirable ways.

III.C.3 could be amusing if I were so inclined. It disallows substitution of non-Microsoft products if they provide a user interface ''of similar size and shape''. That clearly means that if Microsoft uses a rectangular window sized large enough to desribe what's going on, any other product must either use a non-rectangular window (looking ''bad'' and hence undesirable), or else must be too large or too small (likewise undesirable). It also appears to mean that if Microsoft bundles a new product that uses some window similar in size and shape to a pre-existing product from some other vendor, the other vendor must change its product. Giving such preferences to Microsoft is ludicrous.

D, E

These sections, in conjunction with bad or weak definitions, comprise one of the weakest parts of this proposed settlement. That is because preferential disclosure of interface information has been a major weapon used by Microsoft to protect its internal developers from competition by other software development organizations. That practice is not substantially reduced by this language. Insufficient/Selective Disclosure ''For the sole purpose of interoperating with a Windows OS Product'' is a worrisome constrai Proposed Microsoft Settlement: Not In the Public Interest file:// /c/win/temp/response. it's not clear that this includes middleware network protocols (including security issues) and file formats. Since the disclosure requirements seems to apply only to ''lower'' interfaces involved in middleware (to the OS) and network protocols used from a Windows OS product to Microsoft servers, it excludes the key ''upper'' middleware APIs (to applications) that are the reason for middleware to exist, and all other network protocols (including peer-to-peer, server-to-server). It also does not include interfaces used to boot the operating system. In short, the required disclosures have significant and fundamental technical omissions that will serve to nullify essential goals of having such disclosure requirements.

Restricting the III.D disclosure to ''Microsoft Middleware'' as used by ''Microsoft Middleware Products'', as opposed to a more generally useful definition of ''Middleware'' (see later) provides an unnatural limitation to the level of disclosure that should be required. For example, a specific trademark registration needs to be involved. Moreover, it permits Microsoft to cease disclosures merely by shifting to an exclusively ''bundled with the OS'' distribution model. While that is a good mechanism to strengthen a monopoly, it is very bad mechanism for the goal of preventing Microsoft from illegal monopolistic behaviors in the future, as required by such a settlement.

Re III.E, I am concerned about the RAND licensing. This is explicitly permitting Microsoft to exclude Free Software (and Open Source) Software development from the requirements. Related text in III.J.2 carves out even broader exceptions from the basic requirement that interoperability specifications be disclosed. In terms of anti-competitive behavior, and in conjunction with some of Microsoft's existing licensing prohibitions related to that significant segment of the software world, this is a really significant issue. Freely licensed specifications should be the rule, and Microsoft should not be encouraged to use its monopoly power to force use of encumbered specifications. In particular, the sort of ''embrace and extend'' behavior Microsoft has adopted with the Kerberos authentication standard should be disallowed. (Microsoft requires use of extensions to Kerberos, which it has published while still calling them ''trade secrets''. A network using only standard, non-Microsoft, servers will not work with the latest Windows OS.)

Late Disclosures

The timings of these disclosures are problematic. They grant applications and middleware developers within Microsoft preferential access up to the point where design biases in their favor can no longer in practice be removed or ameliorated: a particularly huge beta test. The industry practice with which I am familar involves full API disclosure at the first beta test, and involves substantially complete disclosure at earlier test stages (alpha tests) where the APIs are still expected to change in significant ways. Such alpha testing is in part to get API feedback, so that key issues that were not recognized or prioritized internally can be addressed before final product decisions are made. (Of course, such feedback benefits from a certain amount of good will towards other companies that Microsoft has not demonstrated.)

In this proposed settlement, external developers are presented with something which is largely a fait accompli, which preserves and strengthens the barriers to entry which favor Microsoft. (It also gives Microsoft developers at least a year's head start.) This sort of disclosure bias could be addressed by a structural remedy that places Microsoft developers for Applications, Middleware, and Operating Systems into separate organizations. The disclosures they make to each other would be the same as those made to other organizations, and would be made at the same time.

Low Quality of Disclosure

There need to be effective mechanisms to expose and fix bugs affecting operation of Microsoft products according to their disclosed interface specifications. If the actual behavior is always going to need to be modified according to a secret buglist that is less available than the base specification, such interface disclosures become ineffective. This implies updating Microsoft product development processes, which have often paid only lip service to the specifications to which they claim conformance, and conform??

For example, the latest versions of Microsoft's Internet Explorer put its XML parser in a non-conformant mode, rather than just fixing the bugs in previous versions. The lack of penalty for false or incorrect disclosures suggests that those will continue to be strategically abused.

Full technical specifications are basic parts of product interface specifications, and should be made available to all customers not just ''to ISVs, IHVs, IAPs, ICPs, and OEMs''. This should include file format specifications (such as the MS-Word formats), which are directly analagous to the communications protocols that are partially addressed in the proposed settlement (particularly when those files are shared over networks).

Lack of such disclosure prevents customers from accessing their own data, essentially institutionalizing the requirement of a ''Microsoft tax'' that must be paid by large portions of the computing community. The true test of interoperability specifications is whether they support the development of multiple independent implementations. For middleware this is essential, and Microsoft must not be allowed to pass off shoddy or incomplete documentation as meeting the intent of this proposed settlement. The rule of thumb I have always used is that until it's been corrected by experience from for three independant implementations, a specification must be assumed to have substantive bugs. Since those often include design (including security) bugs, the initial implementation (such as perhaps a test version from Microsoft) must not be given undue deference.

G

III.G.1 says it's OK for Microsoft to have such ''fixed percentages'' in agreements so long as it's even marginally an underdog with respect to some targetted vendor. (That reading assumes vendors ship only one product of a given type. Other readings are possible, which are even more anti-competitive.) That amounts to saying it's OK selectively pick off competitors until the market is reduced to a duopoly; it's a formula for reducing competition. A goal of this settlement was supposed to be increasing competition rather than blessing more ways for Microsoft to abuse its monopoly power.

H

I'd sure feel better about these allowances (why are they in a section on ''prohibitions''?) if they required the Microsoft Middleware Product to actually get removed. Better yet, they should not be installed in the first place. After all, those Microsoft Middleware Products are taking up my disk space, and frequently create security holes by their very existence. (One current

example relates to Microsoft's media player providing a way to track users who, for security reasons, choose to disable the ability for sites to track them.)

It's not clear why Microsoft is being given up to a year's more lead time on its competition, since key parts of this clause were announced (with significant fanfare) by Microsoft to take effect in 2001. In the interim, other vendors are being harmed, and consumers are being harmed by the disappearance of such vendors. I'm sure that the III.H.3(b) waiver for automatic updates to my configuration makes Microsoft happy, knowing that two weeks after installation or any upgrade they are free to annoy users at any time because they prefer to use non-Microsoft technologies. I can't see how it would make any competitor happy, since it ensures that at least some customers will switch from that competitive product just to get rid of such ''nag boxes''. And when I wear my end user hat, I can say that it's clearly not in my own interest to have even more cases where a Microsoft product nags me to do what it wants me to do, rather than what I want it to do. Any more than a single appearance of such nag boxes should be explicitly forbidden.

The second III.H.1 point (more bad/confusing drafting) should be deleted. If there's a technical reason, it would be covered by the second III.H.2 point, and if there is none then I don't want this to be a mechanism whereby Microsoft avoids full disclosure (III.E) of its middleware APIs/protocols. For example, portions of the ''dot-NET'' infrastructure might be packaged in this loophole, as coud any number of proprietary protocols and file formats.

The example in the second III.H.2 point is bothersome: it considers hosting ''a particular ActiveX component'' to be a reasonable requirement. On the contrary, security-aware users recognize ActiveX as a fundamental risk to their systems'' security, and disable it everywhere possible. Wearing an ISV (or VAR) hat, seeing that ''technical reasons are described'' is insufficient. That wording allows Microsoft to provide the most vague reasons, including ones that are flagrantly wrong or which embed substantial cost penalties for middleware competitors.

When the World Wide Web Consortium (W3C) recently proposed allowing RAND licensing for standards, on terms not dissimilar to these, that was roundly shot down. The point was made that such terms are fundamentally discriminatory: they preclude Free (and Open Source) Software, which is available without royalty or other consideration. Other text in 111.1.3 allows additional discrimination. It seems that III.I.5 allows Microsoft to extract reverse licences for (effectively) any technologies that are available to someone who needs a RAND licence from Microsoft. Such a reverse licensing constraint discriminates against those which have such licences to be extracted, so that clause is clearly contrary to the ''non-discriminatory'' requirement. In effect it legalizes a kind of extortion by Microsoft, and can also make the cost of getting such a license no longer be ''reasonable'' for organizations which become subject to such extraction.

J

I am deeply concerned about the carve-out created for ''security'' issues. It is far too broad, and among other things institutionalizes the long-discredited notion of ''security through obscurity''. That policy places individuals (and corporations) at risk because they will not be able to discover (and address) flaws. It does not increase security, since the bad actors will of course not be shy about sharing such information with each other; only people who play by these rules would be placed at risk. The almost unlimited scope of that carve-out also means that Microsoft is being given a incentive to call things security issues when they aren't. For example, Bill Gates recently announced he wants to focus the company on its significant security problems. This has been described as an obvious attempt to focus on ways to fit more work into this carve-out.

This mechanism will be used to create ''secret buglists'' that undermine the already flawed disclosure rules exactly where they need the most public scrutiny, not the least. Trust is earned, not dictated; so far the record for Microsoft's handling of security problems (beginning at the design stage and also post-shipment) is far below the standard used by most of the industry, notably including the Free (and Open Source) Software segments as well as most commercial UNIX vendors.

In conjunction with flawed legislation such as the DMCA, this is deeply threatening to the individual liberties on which this nation was founded. Under the proposed settlement, if a user stored his (or her) own data in a file, Microsoft is allowed to use ''security'' allegations to prevent that individual (or his co-workers) from using anything except Microsoft software, and paying the ''Microsoft tax'', to access that data. I feel that it is essential that the US Department of Justice not undermine fundamental liberties by helping Microsoft to prevent users from accessing their own data using non-Microsoft operating systems, middleware, or applications.

Also III.J.2 seems to give Microsoft far too much control over who gets to see what kind of information. While admittedly there are some tricky policy issues here, the fundamental issue is that a ''trusted computer system'' is meant to be trusted by its owner, not by someone that happens to be friendly with its manufacturer (perhaps because they both expect to extract more money from owners that way). Clauses (b) and (c) give Microsoft the ability to veto efforts that are not hosted by businesses, such as Free (and Open Source) Software activities or academic research, and hence which clearly do not have incentives to support commercially-motivated security flaws.

IV: Compliance and Enforcement

This proposal is particuarly weak, even for what it tries to do. I believe this mechanism was either designed to fail (in favor of Microsoft), or was designed to be a straw man that would be replaced with something that might actually stand a chance of working. For example, something that gives an ISV that has been victimized by a Microsoft action some legal recourse would seem to be desirable. (Except of course to Microsoft.) The rule in IV.D.4.d (preventing this TC or its work from participating in court proceedings) makes me believe the former option may be the most realistic view: this procedure was not intended to succeed at the goals of providing rememedy or preventing further abuses.

Only three people are not enough to keep an eye on such a huge monopoly. That's particularly true since the anti-competitive constraints in IV.B.2 ensure they can't be particularly focussed on (or aware of) the most current tactics used by Microsoft to evade constraints as described in other parts of this proposed settlement. I could almost imagine an office led by three such people, except that each one would surely need a significant staff (IV.B.8.h) that are more actively aware of the issues that need attention (that is, less subject to the IV.B.2 constraints).

Fundamentally, the requirement that the three TC members be ''experts in software design and programming'' is in some conflict with the requirement that they be effective compliance officers. Surely it is most important that the TC staff hold many such experts than that the nation be combed for true experts that can also be effective compliance officers—which is a rare combination. Most of this section defines a bureaucracy, and any ''expert'' I've ever known would be deeply stifled by what I read there. The job description is not fundamentally one of software design and programming. And only (IV.A.2.a) during ''normal office hours''? Software developers rarely keep banker's hours, and the parts of businesses that work with them also adapt. Of necessity, so would the parts of those offices that work with those parts of Microsoft.

V: Termination

The settlement does not offer stong and effective mechanisms for enforcement: there are no real ''sticks''. It expires automatically whether or not Microsoft's behavior has been improved. If Microsoft doesn't want to behave, it can stall until the lifespan of the agreement expires. I am deeply concerned by the requirement in IV.D.4.d that prevents any failures of the compliance procedures from being used in court. Rather, they should be key efforts determining whether it is appropriate to terminate this proposed settlement.

The only incentives appear to be within the scope of the current distorted software markets. But until the market structure becomes competitive, rather than monopolistic, today's market incentives only further the Microsoft monopoly. Minimally, no settlement should terminate until those marketplaces are restored to technical and structural diversity, and are healthy in that state. Just knowing that ''running out the clock'' can't work would be a minimal incentive (''carrots'') to encourage that change.

VI: Definitions

A number of these definitions embed strong anti-competitive biases, which work in Microsoft's favor against the competition this settlement is intended to restore. Such definitions nullify the useful effect of what need to be broad constraints on Microsoft's conduct.

A: API

As noted above (III.D, III.E), there are several programming interfaces related to an ''Middleware Product'', and this specifies ''API'' as the ''lower'' level of such interfaces, which are typically operating system interfaces. However, the goal of middleware is explicitly to ensure that applications only need to use the ''upper'' level, hiding those lower level calls. In particular, when using a middleware API the classic goal is to be independent of the particular OS in use. That is, the goal is to NOT use the APIs covered by this definition. Defining APIs in this unuseful way substantially reduces the scope of the products that this document addresses as competition, and in ways that are strongly counter to normal usage.

This definition reflects a fundamental misunderstanding in that it defines the middleware API at the wrong level. These lower interfaces certainly need to be documented, because they are often currently hidden as operating system ''back doors'' by Microsoft. In some cases, APIs have been deployed that were not immediately used by Microsoft products, but which were used in upcoming versions. This definition should include all such interfaces that are part of shipping operating systems, regardless of whether they are currently in use.

Such hiding needs to be prevented, since it protects Microsoft's applications barrier to entry, and prevents emergence of competing middleware. Such hidden interfaces have also been known to provide security holes that are intended to facilitate Microsoft (mis)features. They would not normally be called ''Application'' interfaces in the context of a middleware discussion, and good systems architecture would not even enable the interfaces which bypass security mechanisms. This point is strengthened by the fact that Microsoft does not currently document these APIs, as it would for APIs which it encourages applications to use.

H, I: ''Vendor''

This appears to bias the entire settlement against certain kinds of hardware and software development process, such as ''Free'' and ''Open Source'' Software. Microsoft should not be given the right to discriminate this systematically against one of its most effective competitors. (And perhaps its last one, given that its monopoly powers to create new barriers to entry are barely affected by this proposed settlement.) Minimally, it should be explicit that such ''Free'' and ''Open Source'' Software developers are included among those who should have full access to interface disclosures addressed by this agreement. One simple solution might be to include them as ISVs.

J, K: ''Middleware''

Classically ''middleware'' includes API components that are part of neither the operating system nor the application. The constraints in section VI.J (such as being trademarked) are technically irrelevant, except perhaps towards a goal of minimizing the number of Microsoft APIs which are subject to disclosure. (Such a goal would not be in the Public Interest.)

Middleware is typically intended to insulate applications from operating system issues, such as dependency on any one OS version or vendor. Microsoft has numerous such API components, many of which are licensed as ''Redistributable Components'', but the proposed settlement excludes almost all such middleware from its inappropriately limited scope. The settlement should apply to all such middleware, not this handful of all such programming interfaces.

Microsoft has used constraints on such components to keep products competing with its own platforms and development tools out of the market. For example, a number of years ago Borland was not allowed to include even the APIs to such components with its development tools because it also offered a technically superior alternative to Microsoft's ''MFC''. Today, related constraints apply to software that is developed using Visual C++: the ''Redistributable Components'' middleware may only be used on operating systems from Microsoft. That needlessly ties many applications to a Microsoft OS, and prevents their use with compatible alternatives. Such constraints should be forbidden.

U.''

Code for a ''Windows Operating System Product'' shall be determined by Microsoft at its sole discretion ... this is huge hole. This discretion allows Microsoft to arbitrarily bundle new software which would in ordinary usage be ''middleware'', and be the subject of competitive markets. To my understanding, this degree of discretion substantially exceeds that allowed by US Supreme Court precedent, as well as that permitted by the Appeals court in this case. Such language is demonstrably counter to the Public Interest.

It has been shown that abuse of such discretion has been one of the core anti-competitive weapons used by Microsoft. For example, it expressly permits the illegal commingling of browser code with the operating system. No settlement can be in the public interest which does not provide redress for those previous actions, and which does not prevent future repeats of such actions.

MTC–00026191

From: Theodore Nelson
To: Microsoft ATR
Date: 1/26/02 3:29pm
Subject: Microsoft Settlement
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Over the past three years, the IT industry has held its breath in anticipation for an imminent end to the US vs. Microsoft lawsuit. Now that a proposed settlement has been reached, consumers and the IT industry have an opportunity to return to business as usual. This is critical for the industry as well as our economy in general.

Under the settlement agreement, Microsoft will not return to business as usual. The settlement will penalize Microsoft and may require it to modify its products. Microsoft will be forever scrutinized by a three-person committee that will also control how Microsoft does business in the future.

I sincerely believe that it is critical for American competitiveness, the IT industry and the US consumer that the proposed settlement be formalized as soon as possible. I urge the Department of Justice to do all within its power to formalize the proposed settlement as soon as legally possible.

Sincerely,
Theodore Nelson, Jr.
2812 Shamrock Drive
Allison Park, PA 15101
cc: Senator Rick Santorum

MTC–00026192

From: Ammon Johnson
To: Microsoft ATR
Date: 1/26/02 3:29pm
Subject: Microsoft Settlement

This is a bad settlement!!

MTC–00026193

From: stuart@gathman.bmsi.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:23pm
Subject: Microsoft Settlement
Stuart David Gathman
13145 Pavilion Lane
Fairfax, VA 22033
(703)378–9641
stuart@bmsi.com

Dear Sirs,

Based on my best effort to understand the lawyer talk, the proposed Microsoft Settlement does not seem to address some important injustices.

1) SOFTWARE DONATIONS

Since when should Microsoft ''pay'' their fine with free software? Their competitors would jump at the chance to contribute free software to schools. Let Microsoft contribute just the hardware. Let the schools pick Intel vs. PPC and Windows vs Linux vs Mac.

2) OPEN SPECIFICATIONS

It is good that the settlement attempts to enforce open APIs for Windows. This is good for Windows customers as it allows fair access for non-MS software. However, it is even more important to enforce open public specifications for Microsoft file formats. It should be possible for competing products to import/export Microsoft documents without reverse engineering them. It is critically important for Windows users that external security software be able to reliably strip executable code (e.g. macros, embedded objects) from Microsoft documents. Furthermore, a complex public specification requires a reference implementation. The Windows API will never be properly documented without an open source reference implementation. The reference implementation would not be as efficient as Microsoft Windows, but it would make up for inadequate documentation. If an application runs on Microsoft, but not the reference platform, either the reference platform needs fixing, or Microsoft is pulling another fast one. Microsoft should not be able to prevent alternative implementation by claiming patents for API interface features. (Like Apple did with using compressed images in the QuickDraw API.) If they claim any such patents, they should be waived for non-commercial open-source implementations, and reasonable licensing or cross licensing should be available to a commercial implementor.

3) THE MICROSOFT TAX

I hate paying for Windows when I buy a computer and don't use it. It is not clear to me that the settlement prohibits this. A computer without Windows should be cheaper than a computer with Windows by at least 1/2 the retail cost of Windows. There should be no disincentives for the manufacturer to offer alternative OSes preinstalled. (E.g. increased Microsoft OEM pricing for allowing competitors. I think the settlement prohibits this, but I'm just making sure.) In summary, I think we all agree that Microsoft should be allowed to make money, but not to rule the world.

Stuart D. Gathman

Business Management Systems Inc. Phone: 703 591–0911 Fax: 703 591–6154

''Confutatis maledictis, flamis acribus addictis''—background song for a Microsoft sponsored ''Where do you want to go from here?'' commercial.

MTC–00026194

From: Jim __
To: Microsoft ATR
Date: 1/26/02 3:33pm
Subject: Microsoft Settlement

Dear Department of Justice,

I believe the antitrust settlement against Microsoft to be fair, and I am hoping it will be final.

Thank you,

Jim Kay (a concerned, voting citizen)
1312 N. Parker Rd.
Greenville, SC 29609

MTC–00026195

From: Fraraycar@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:34pm
Subject: Microsoft Settlement

Gentlemen;

I just want to voice my opinion on the case against Microsoft, I believe that the proposed settlement is overall very generous by Microsoft and should be accepted. In fact I do not believe the case ever had any merit, and am disappointed that it ever got this far.

Thank You,

Raymond F Frattini

MTC–00026196

From: Mike Klein
To: Microsoft ATR
Date: 1/26/02 3:36pm
Subject: Microsoft Settlement

Please reject the current proposed Microsoft Settlement.

Microsoft has shown unabated behavior to strengthen, using whatever means it can get away with for as long as it can, its monopoly position in operating systems and other areas. It is broadly defining strategies, many likely illegal, to apply its enormous resources to dominate future areas: Internet access, Internet commerce, personal information management, media content and distribution, and more.

While most of Microsoft's products and services are, at best, mediocre quality with few limited innovations and fundamental advances, they are the only standard by which most people know computers today. Most people do not have any idea of ''what could or should have been''. This is terribly unfortunate, as many excellent ideas and technologies have been snuffed out by Microsoft's illegal practices and will continue suffer that fate.

Microsoft's continuing illegal actions since it was convicted of illegally using its monopoly position make it obvious that nothing but drastic legal action against Microsoft with massive penalties for future violations will open competition in the computer industry. Please reject the proposed Microsoft settlement, and work on developing a way to open the industry back up to good ideas. Too much is at stake.

Thank you,

-Michael F. Klein, Ph.D.

CC:mike@kleinnet.com@inetgw

MTC–00026197

From: craec@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:35pm
Subject: Re: Microsoft settlement

Let's go on and settle this matter. I think Microsoft has been unfairly dealt with in this matter. No one forces a person or company to purchase and use Microsoft products. They furnish a needed product and need to be let alone.

Ray Cantrell
4083 Isom Cove
Millington, Tn 38053

MTC–00026198

From: Leland Scott
To: Microsoft ATR
Date: 1/26/02 3:36pm
Subject: Don't Let Microsoft Off the Hook

Dear Judge,

The facts against Microsoft are clear. Judge Jackson was correct, as was the appeals court, in determining Microsoft to have violated antitrust law. They will continue to do so unless a severe punishment is enacted. Please don't let them off the hook once again.

Windows XP and their .NET initiative are both flagrant examples of their continued search for ways to maintain their illegal monopoly of the computer marketplace, and both of these initiatives came AFTER they had been found guilty of violating antitrust laws by earlier actions. Clearly, they have not learned their lesson, and the Government's proposed settlement is not sufficient to reign them in.

Regards,

A concerned citizen

MTC–00026199

From: Donna Duggan
To: Microsoft ATR
Date: 1/26/02 3:39pm
Subject: Microsoft Settlement

I heard about the opportunity for the public to comment on the proposed settlement, so I figured I would at least give it another try. We believe that the settlement as agreed is just and fair, and we also believe that the time is long past to get this over with. Innovation and progress can not flourish in this type of continuously litigious environment (I am not a lawyer, so I don1t know how that word is spelled, but basically I am sick and tires of all the lawyers filing law suits!). Neither can the U.S. economy, which desperately needs help. Basically, we are sick and tired of some of these companies and their CEOs, who seem to be thriving on the publicity that their constant negativity is bringing them. I never hear them talk about their products and how good they are. I only hear them talk about how bad Microsoft is. Could there be a reason for this? I have said it before, and I will say it again. Neither one of us works for Microsoft, and we also do not know a great deal about computers, so I don1t think we are terribly biased in all of this. But I do know how to find and download a product that I want, and I know how to get rid of one I don1t want. I was not surprised to find Internet Explorer on my PC, and I was also not surprised to find Netscape Navigator on my iMac. I was surprised at how terrible Netscape was, and how many times it caused my computer to crash. When I had finally had enough, I switched to Internet Explorer, and have had no problems. It seems to me that many of these companies would be better served by recruiting and hiring talented programmers who are capable of putting out a reasonable stable quality product, than by suing their competitors. This is the reason that we are currently using Microsoft products; not because of their monopoly, which as far as I am concerned is the natural monopoly of a better product.

I also fail to see how antitrust laws do anything to help the consumer. My perception in the past is that they rend to make my busy life even more busy and difficult. Witness our telephone bill, which is now beyond the comprehension of most non-accountants or Rhodes Scholars. Is this making my life better? I don1t think so. I want my computer(s), and their related software, on which I have become dependent, to function as a seamless, single entity. I like not having to connect to the internet, and having my computer do it for me. If some people don1t, give them that option, but let me keep mine also. But most of all, I would like these companies to work together for the betterment of the industry, and get over their destructive sour grapes. I know—fat chance. But can1t they at least try?

Thank you.

Jim and Donna Duggan

MTC–00026200

From: B Nitz
To: Microsoft ATR
Date: 1/26/02 3'39pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
u.s. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
microsoft.atr@usdoj.gov

Honorable Judge Hesse:

Our nation currently faces far greater challenges than the market abuses of which Microsoft has been found guilty. It is tempting to quietly end this anti-trust case with a minimal or symbolic remedy. I strongly believe that this would be a mistake. A fair remedy will revive the strength and competitiveness of our computer industry. It would also greatly improve the security of our information infrastructure. The proposed remedy has many obvious legal and technical defects which make it unlikely to be any more effective than the remedies levied in

previous cases. Section III.J is a loophole which allows Microsoft to continue exposing some internal functions (APIs) and data structures to it's own middleware products without publishing them to potential competitors. The unnecessarily narrow definition of ''Personal Computer'' allows Microsoft to punish Apple and Sun because neither use Intel X86 compatible microprocessors. I'm also concerned that the complexity of this remedy might cause Microsoft to unintentionally violate some of the terms, which would lead to further expensive court cases.

Others may have already brought these problems to your attention. As a software engineer I would like to address a different aspect of the settlement. I intend to address the national readiness and security implications of anti-competitive behavior and present a possible solution. THE LOST DECADE (THE TECHNOLOGICAL DARK AGES)

I began working in the computer industry shortly before Microsoft released Windows 3.0. By 1985, Amiga, Apple, DEC and others had developed computer operating systems with many features which we take for granted today but which did not exist on Microsoft's dominant OS of that time: Mouse-driven graphical interface with overlapping windows, long filenames, multitasking, color, full screen multimedia video, speech synthesis. These were not fast computers but the operating systems made efficient use of the hardware and provided a level of usability and perceived performance that Microsoft would not attain for another 10 years.

By 1995 Microsoft had captured much of the PC operating system market through practices which have since been repeated in other markets. Competitors were driven into obscurity. When Windows 95 was released, it had many of the features that existed on competing operating systems of the mid 1980s. A common argument for a weak settlement is that without Microsoft, we would not have reached today's level of sophistication . On the contrary, it appears that Microsoft actually retarded the development of efficient desktop operating systems by eliminating viable competition. WHILE WE WERE EDITING AUTOEXEC.BAT FILES...

When I first accessed the internet in the early 1990s, I was surprised to see such an active software development community outside of the United States. People from eastern europe, Germany, Finland, and elsewhere were writing high quality software for computers which were no longer in the U.S. mainstream. We didn't know it, but our concentration on Microsoft Windows was causing us to fall behind other parts of the world. Microsoft Visual Basic and Microsoft Certifications became more important than a college degree in maintaining a software career in the U.S. When Microsoft retires a certification such as MSCE, the student must upgrade their certification lest it becomes as obsolete as Windows 95. It is much like a mechanic who learns how to fix a Model-T Ford without learning how cars work. When presented with a VW Beetle, the overly-specialized mechanic is lost.

When the Microsoft monopoly finally penetrated these parts of the world, many users already knew too much. They refused to regress to the 1980s. A Finnish youth went so far as to create a new operating system. His experiment grew to become Linux, one of the most common webserver operating systems on the internet. Linux is becoming popular on desktops in europe and according to some sources, has a 15% market share in Asia.

It may be no accident that U.S. companies are now exporting jobs to and importing software developers from countries which had active communities of software development outside of Microsoft's sphere of influence. What is known as ''Open source'' is currently one of the most fertile areas of software development and much of this is taking place outside of our borders. A lack of competition in the U.S. auto industry of the 1970s allowed it to grow inefficient and vulnerable to foreign competition. It appears that we are making the same mistake. Our computer industry is now so dependent on this single vendor that any failure of Microsoft could be more damaging than the collapse of Enron. USING DIVERSITY AS A DEFENSE

It can be easily demonstrated mathematically and with computational simulations that an infrastructure based on diversity is less likely to experience a total failure from a single cause. So when we base our information infrastructure on a single operating system, we are making the same mistake as those who chose a single variety of chestnut tree to shade the streets of American cities. We become vulnerable as those who depended on potatoes for their sole source of food in the 1850s. We needn't repeat this mistake, but if things don't change I fear that we will. Nimbda, Code Red and variants caused an estimated $15 Billion worth of damage. My logs showed that infected Microsoft Windows computers tried to install one of these worms on my computer about 100 times per hour. These attacks were unsuccessful only because my computer was not compatible.

I was fortunate to have developed software under multiple operating systems. My most recent project under Microsoft Windows was the development of software to install security patches, Y2k patches and anti-virus software while removing unnecessary vulnerable features which Microsoft installs by default. I began to see that much of our software industry is dedicated to overcoming limitations in Microsoft Windows.

Here are some examples:

1) Viruses, worms and other vulnerabilities can access all data on a computer and possibly the entire local network.

2) A single application failure can cause a computer to crash.

3) Network configuration changes, security patches or software install usually require a reboot. Dozens of reboots may be necessary to install software for a typical business.

4) The last 3 characters of a filename determine which application is used open the file, but they are often hidden from the user. Creators of simple-minded worms such as ''Melissa'' and ''I Love You'' can fool a user into invoking powerful system tools simply by naming the worm something like ''hello.doc.vbs'' or ''hello.pps.reg''

5) Large businesses must work with thousands of computers which may have subtle differences in DLL version numbers, installed patches, hardware interrupts. There is no significant barrier between user data and system data which would allow a corporation to deploy a common environment to its entire workforce. Each computer becomes as unique as a snowflake and the number of potential configuration problems can equal or exceed the number of computers.

Users of Microsoft Windows demand ever faster processors and more memory, but give little thought to the above limitations. They are taken almost as laws of nature to be ignored or worked around. But most of these problems are unique to Microsoft Windows. They were solved long ago by companies such as Sun, Apple, IBM, HP and Digital. The inertia of a non-competitive industry has locked us in the technological dark ages. ALLOWING CONSUMERS TO USE THE RIGHT TOOL FOR THE JOB

When Microsoft captures the market for a product such as a web browser word processor or media player, it has a choice. It can integrate all of these products into Windows or it can pare them down to something marketable to the widest audience. In either case, it is Microsoft, not the consumer, who makes this decision. We are forced to use a tool that is not optimal for our needs. Most people do not need the IIS webserver that came with certain versions of Windows. As we've seen, these unecessary features can open up significant security vulnerabilities. One argument against a strong remedy is that ''Microsoft makes good products.'' This implies that their market position was attained through honest competition and . This is simply not true. Microsoft employs some very talented developers and packages software that meets some consumer needs. Perhaps they could have attained their current market share without illegal anti-competitive practices, but it is now impossible to know.

A careful examination does show that there are very few unique ideas in Microsoft's middleware or operating system products. Microsoft's strength comes not from superior technology, but from the exclusive control of most aspects of an integrated environment. It is only when Microsoft forces the consumer to take it's products ''all or nothing'' that it can wedge all potential competitors out of a market. The default Microsoft configurations may be appropriate for many small business and home users but they are not the optimal for artists, writers, teachers, scientists, doctors or software engineers. They are a ''least common denominator.'' REENABLING THE EXCHANGE OF INFORMATION

It is in the public interest that files and documents maintain compatibility between different types of computers and between different versions of an application. It is in Microsoft's interest to break compatibility with versions of it's own applications and with competing middleware products. When I receive an email containing an attachment written in the latest version of Microsoft Word, I am forced to upgrade to the sender's

version of Word, or hope that my favorite competing product is somehow able to read it, or I can ignore the email. Competitors must devote significant resources in decoding Microsoft's undocumented formats so that their applications can share information. Because of it's marketshare, Microsoft has the luxury of remaining incompatible with competitor's formats.

Shortly after the September 11th attack, the U.S. Government announced a Broad Agency Announcement calling for proposals on anti-terrorism technology. Requirement 3.2.2 of this document states: 3.2.2 File Format and Content

The White Paper shall be prepared in color or black and white in Microsoft (Office-98) Word or Adobe PDF (Version 4 or higher) electronic file format.

The document must be print-capable and without password, using text font and graphic file formats that will cause the document to be NO LARGER THAN 500KB IN FILE SIZE.

Numerous other examples can be found by searching http://www.google.com with the keywords: ''white paper'' rfp format ''microsoft word'' shall This default sole-sourcing of Microsoft products is very common on .gov, .us and .mil sites. Why are we storing important government documents in an undocumented proprietary format which is likely to become obsolete next year? Why not use an industry standard such as HTML, RTF, UNICODE or ASCII? Why would the U.S. government accept a format that is known to host hundreds of viruses that already caused billions of dollars worth of damage? It is because few are aware of an alternative. At one time it seemed that the popularity of HTML would solve this compatibility problem. I could view the same webpage on a Sun workstation, a Windows PC, and the text-based ''lynx'' browser which is useful for the blind or those with slow network connections. By 1998 many websites began using Microsoft proprietary technology in such a way that the lynx browser no longer worked. This problem continues to worsen. Today many web pages are no longer work properly on computers which don't run Microsoft Windows. Information access is increasingly being tied to the products of a single company. PROPOSED REMEDY

A truly competitive market should lead to a system where the consumer and producer's needs are balanced. Microsoft's monopoly status allowed it to shift this balance away from the consumer and at the same time prevented competitors from filling the void in the market. My proposed remedies would address specific problems in the computer industry which were caused by this imbalance:

(1.) PROBLEM: It is in Microsoft's interest to change data formats often so that users are forced to upgrade. It is also in their interest to make their format incompatible with competitors and other industry standards. It is in the public interest that these formats remain stable.

REMEDY: Microsoft data formats must not change for 5 years unless the following conditions are met:

a) The proposed change to the format is published one year prior to its release.

b) The source code for converting between old and new formats is published.

c) The proposed change must be agreed to by a consortium of at least 10 competitors.

d) The proposed change must be voted on by a majority of consumers that is greater than Microsoft's market share for the specific type of product.

(2.) PROBLEM: Microsoft continues to extend its influence into other areas and is on track for making the internet a Microsoft proprietary medium.

REMEDY: Any new API or Protocol that Microsoft deploys on the public internet must meet the criteria for data formats which is described in section (1.)

(3.) PROBLEM: Microsoft packages software in such a way that users must pay for content which they don't need and which degrades the security and performance of their computer.

REMEDY: All documented APIs shall be called ''The Operating System.'' All undocumented API's shall be called ''Middleware.''

a) Microsoft shall provide the capability to remove all undocumented APIs without degrading the performance or functionality of documented APIs.

b) Microsoft must reduce the cost of this stripped ''Operating System'' by an amount proportional to the development cost of the the software that was removed.

(4.) PROBLEM: Microsoft's dominance on the desktop leaves our information infrastructure vulnerable to attack.

SOLUTION: Microsoft shall remit a fine of $10 Billion which is to be placed in a fund which will be used to purchase computers for schools, charities, government and non-profit agencies and foreign aid. These computers shall be configured to be incompatible with all existing Microsoft products.

(5.) PROBLEM: It is in Microsoft's interest to obsolete certifications as often as possible. It is in the public interest that this knowledge be general and usable in the future.

SOLUTION: Microsoft shall reimburse students for the cost of any certification which becomes obsolete within 5 years of its creation. SUMMARY

Our free market system is by far the most efficient economic system, but it becomes unstable and dangerously inefficient when an industry is so dominated by a single vendor even in the case where the vendor acts in what it believes is the most benevolent manor. The Sherman anti-trust act is a safety valve which must be used to re-level the playing field when such an imbalance occurs. If fair remedies are not implemented in this case, our important computer technology sector will fall behind and damaging monopolies may soon encompass other industries.

Respectfully Yours,
Brian Nitz
U.S. Citizen Working in Ireland
I The Priory,
Malahide
County Dublin

MTC–00026201

From: Michael A. Endsley
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. I honestly hate buying a new computer and having Windows on it when I don't want it.

Michael A. Endsley

MTC–00026202

From: Jason Grochowski
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement
Jason Grochowski
970 Jefferson Square
Unit E
Elk Grove Village, IL 60007
January 25, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW
Washington, DC 20530

RE: US v. Microsoft proposed final order

As stated in the **Federal Register**:

''Following a 7-day trial in late 1998 and early 1999, the United States District Court found that Microsoft had violated both sections 1 and 2 of the Sherman Act. On appeal, the United States Court of Appeals for the District of Columbia unanimously affirmed portions of the district court's finding and conclusion that Microsoft illegally maintained its operating system monopoly in violation of section 2 of the Sherman Act, but reversed and remanded other portions of the district court's determinations. Specifically, the court of appeals reversed the district court's determination that Microsoft violated section 2 by illegally attempting to monopolize the Internet browser market and remanded the district court's determination that Microsoft violated section 1 of the Sherman Act by unlawfully tying its browser to its operating system.'' As Microsoft's guilt has been maintained (at least partially) and we are now in the penalty phase of the trial, I find it greatly disturbing that the current settlement does nothing to punish Microsoft for its illegal activities. It also does nothing to create an environment where competing products are given a fair chance against the colossal momentum Microsoft possesses in the software industry. After reviewing the thoughts of several others who have commented on this, particularly the letter published by Ralph Nader and James Love and the comments of Dennis E. Powell of LinuxPlanet, I would like to reiterate the following thoughts on what should be included in Microsoft's punishment:

First, in the purchase of new computers: the purchase of the operating system and the computer hardware itself should no longer be bound together. Users who do not wish to purchase Microsoft Windows would no longer be forced to. Buyers would have the opportunity to evaluate Microsoft's product at its true cost and compare it to alternatives. This step is crucial to give competing products a foothold in the Microsoft dominated world.

Second, Microsoft must make all current and future file format specifications open to the public. This way documents created in any Microsoft application can be read by

applications from competing manufacturers. Only then can the true value of their software be determined by the public. Rather than be locked into a particular application simply because of file format issues, buyers can judge the product's features, design, and usefulness on its own merits. The current settlement calls for the opening of the Windows API so third parties can better develop software that works with Windows. This is a good step forward, but this is a world that is increasingly connected electronically—that means exchanging data. We need to be able exchange data that is compatible with Microsoft and non-Microsoft applications. Also disturbing is the clause in the current settlement stating that Microsoft can withhold technical information from third parties on the grounds that they do not certify the ''authenticity and viability of its business.'' This is an obvious attack on the Free Software movement, a key competitor for Microsoft in high-end applications and servers.

Third, any network protocols created by Microsoft need to be published in full and approved by an independent council. This way, Microsoft could not seize control of the the Internet by effectively walling off Windows users from the Linux, UNIX, Mac, etc. users of the world.

Fourth, the committee that oversees Microsoft's future conduct must have real authority. Microsoft itself should have no say in who is appointed to this committee and it should be required to make regular, public reports on Microsoft's conduct. Instead, the current agreement calls for a committee that is sworn to total secrecy, works within Microsoft's headquarters, has two-thirds of its members selected by Microsoft itself, and has limited freedom to interview employees. What possible deterrent to future violations can this provide? The five to seven years of review also seem quite brief considering the current case stems from violations of Microsoft's last agreement to mend its ways back in 1994.

By setting any time limit at all, Microsoft is simply encouraged to continue its habitual stalling and legal maneuvering until the reigns are completely let loose.

Finally, the current settlement has no provisions for any penalty whatsoever. The previous points I've outlined can help prevent future abuses of power, but what of taking away some of their ill gotten gains? Possibilities include, as Nader suggests, divesting them of their browser technology or media player or providing support for companies they have illegally tried to sabotage.

Personal computing technology has already become a cornerstone of our economy, business practices, and daily lifestyle and it will only continue to become more important and more pervasive in our lives. Now is the time to set a clear path ahead that will allow free competition in this market. A dip in the stock market today, that would certainly come following Microsoft's punishment, is trivial compared to future decades dominated by this belligerent, unremorseful corporation.

Sincerely,

Jason Grochowski

MTC–00026203

From: Gerry Kerbyson
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement

I strongly believe that the settlement proposed by the Justice Dept. is intolerably unfair to the consumer public and to Microsoft's competitors in the PC software applications field. At a minimum, the settlement must be modified to rectify Microsoft's anti-competitive practice of bundling user applications into its acknowledged monopolistic Windows operating system.

I believe that Microsoft cannot be allowed to combine any application features into its OS, either by constraint by the court, or by severing Microsoft's OS organization from its application organization.

Gerald M Kerbyson

MTC–00026204

From: David A. Young
To: Microsoft ATR
Date: 1/26/02 3:45pm
Subject: microsoft settlement

Hi

I've scanned with some interest the various documents available regarding the legality of Microsoft's business practices. I hope that Goverments at both State and Federal level will act together to insure that those predatory business practices are discontinued.

I especially hope that the Courts do no accept in any way Microsoft's offer of providing free/reduced cost software and PC's to schools as part of any ''penalty''. I am given to understand that Apple Computer software runs on a very small amount of computers worlwide, saving only that Apple appears to enjoy some larger sucess in schools.

In my opinion, allowing Microsoft to ''force out'' Apple computers from schools by offering different computers will inevitably lead to an even smaller market share for Apple Computer, thereby increasing Microsoft's already overpowering Monopoly power.

Thank you for your time

David A. Young

MTC–00026205

From: Edwin R. Jones
To: Microsoft ATR
Date: 1/26/02 3:49pm
Subject: Microsoft

12105 Hilltop Drive
Los Altos Hill, CA 94024
January 19, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I feel that the agreement Microsoft has reached with your office warrants settling the government's antitrust lawsuit against them. The settlement seems reasonable, and the involved parties should have the freedom to move on to more pressing matters. I strongly feel that lawyers should not be trying to determine what features can be implement in software. Software is complex enough without the people who designed the tax code putting their hand in.

Allowing computer manufacturers a greater ability to configure Windows to include programs in direct competition with Microsoft's is a necessary step and making it it easier for consumers to integrate competitor's software into the Windows system is a long overdue action. Bet the government should not be what features a in a product.

I urge you to resolve the lawsuit and get on to more important cases.

Sincerely,

Edwin R. Jones

01/29/2002 12:18

MTC–00026206

From: justin.wojdacki@analog.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:51pm
Subject: Microsoft Settlement

Some points that I feel are important (I am not a lawyer. I am speaking based on what I have read of other peoples'' interpretations of the proposed final judgement):

''Windows Operating System'' should be defined to be any Microsoft product implementing any subset of the Win32 APIs. This is important as Microsoft is diversifying their operating system product lines beyond their traditional desktop and server markets. Therefore, the definition of ''Windows Operating System'' should include any and all platforms that the Win32 APIs are available on now and in the future. The complete Win32 API must be made available. This should include alternate entry points to functions (if they exist). An independent team should review the Windows source code to verify correspondence between the published API documentation and the implementation.

Microsoft should not be allowed to add APIs until this process is complete. It would additionally be desireable, although likely unimplementable, to have a 3rd party responsible for defining the Win32 API. This would be akin to the POSIX and SUS (Single Unix Standard) definitions, where a committee defines the API, and developers are free to implement it themselves. Developers may propose extensions to these APIs, but they are not standards unless the committees accept them. Additionally, the final judgment should cover any APIs that Microsoft adds after acceptance of said judgment. Otherwise, third party developers may find themselves at a competitive disadvantage again. No APIs should be withheld from public documentation under any circumstances. No conditions should be placed on the release of any of this API documentation. All intellectual property issues related to any part of any API should be made public as part of that API's documentation.

Microsoft's applications developers (Internet Explorer, Office, etc.) should receive the same information as third party software developers. Additionally, they should receive it at the same time as third party software developers. Should they receive this information early, or receive more detailed information, they then hold an unfair

competitive advantage in the software market. Additionally, they should be required to go through the same support channels as third party software developers, lest they potentially receive preferential treatment.

Justin Wojdacki

justin.wojdacki@analog.com (408) 350–5032

Communications Processors Group—Analog Devices

MTC–00026207

From: JoanSchnute@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:50pm
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,
Joan Schnute
140 Cedar Lake Trail
Winston-Salem, NC 27104

MTC–00026208

From: Geoffrey Miller
To: Microsoft ATR
Date: 1/26/02 3:53pm
Subject: Microsoft Settlement

In regards to the proposed Ms Settlement and appointment of a TC: It is my professional opinion that there is no one that can qualify these terms. Any person qualified is by definition a ''competitor'' or has a ''conflict of interest'', due to the nature of the computer/technology industry and the reach and control that MS competes in. There is no way that a technically proficient ''programming and design'' expert can NOT BE in competition with MS at some level. This, coupled with the weak oversights proposed amount to little more than a slap on the hand for Microsoft. There should be NO settlement, that MS was found guilty in the first finding, should then proceed to an appropriate punishment. I am in favor of the original proposal of breaking up MS, a company this large and with obvious disregard for the law, should be broken up.
B. Appointment of a Technical Committee

1.Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee (''TC'') to assist in enforcement of and compliance with this Final Judgment.

2.The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties): a.shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC; b.shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c.shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC

Geoffrey Scott Miller
Propeller Head
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www.madcowstudios.com
''We're outstanding in the field''

MTC–00026209

From: Jerry J OShea
To: Microsoft ATR
Date: 1/26/02 3:54pm
Subject: Microsoft Settlement

Dear Sirs:

I strongly believe that the proposed Microsoft settlement is a reasonable compromise and fair to all parties. Please act to end this costgly and damaging litigation.

Respectfully,
Jeremiah J. O'Shea
E-Mail address: Swifty-O@Juno.Com

MTC–00026210

From: ronaldgminnich@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 3:55pm
Subject: Microsoft settlement

I am a computing professional with 25 years experience. I have worked as both a computer hardware designer and software engineer, specializing in operating systems. I have worked at many different companies in the last 25 years. I have watched Microsoft grow from a vendor of PC Basic to its current monopoly position in the industry. I feel that absent some basic changes your current remedy will leave the US software industry in a very weakened state. In this letter I will focus only on the issue of making the cost of Microsoft software transparent to the user, as well as making its purchase optional. I am asking that you require that the cost of Microsoft software be a separate line item on ALL computer systems sold with Microsoft software pre-loaded. Currently users do not see the price of the Microsoft software they buy, as the Microsoft software is bundled in. Still worse, they have no option but to buy the software. I am further asking that you ensure that Microsoft not outsmart the US Gov't again in this matter; the FTC has tried (and failed) several times to resolve this problem. If there is to be a competitive software business in the US, these two conditions are a minimum requirement. Currently, if I buy a computer system from any major vendor, I am forced to pay several hundred dollars for Microsoft OS and applications software. I have no choice in this purchase. I do not use Microsoft software; I do not want this Microsoft software; I have to erase this Microsoft software every time I get a new computer. In one case I have spoken with IBM about getting a refund on the cost of the Microsoft software. Their response: my only option is to not buy an IBM computer. In other words, Microsoft has left IBM (and many other companies) with no choice but to force customers to pay for Microsoft software, whether the customers want it or not. This behaviour has almost killed competition in the PC software industry. Years ago, one could buy a computer with a choice of pre-loaded software. No longer. The only option offered by most vendors is Microsoft. The US gov't has tried, and failed, several times to change this situation. In 1995 the US Gov't thought it had worked out an agreement with Microsoft to force unbundling. The US Gov't was wrong. In fact, the US Gov't has been consistently outmaneuvered by Microsoft. The outcome of the current trial is one of the last chances we have to save Microsoft competition from complete extinction. There is a precedent for this type of unbundling. You are not doubt familiar with the unbundling of IBM Operating System software from the IBM 360/370 computer systems. That forced unbundling resulted in the creation of credible competition for IBM, and forced the mainframe industry to move forward much faster than would otherwise have happened. Unbundling was tough on IBM, but very good for IBM's customers and US technological innovation. Please consider my request for unbundling. A strong, competitive US software industry is vital to the Nation's security. Your current plans will leave us with a monopoly provider with almost no competition.

At the very least, transparency should be the rule when a computer system is purchased with software pre-loaded.

Sincerely
Ronald G. Minnich
48 Sumac Lane
Los Alamos, NM 87544
505 663 0784

MTC–00026211

From: Arthur E Mari
To: Microsoft ATR
Date: 1/26/02 3:56pm
Subject: Microsft Settlement

Gentlemen:

Please let us get this case behind us and move forward

Our country has more important things to focus on than the continuous litigation costing much with no rewards except to lawyers.

I implore you to stop this now!

We need more Microsofts to develop the millions of jobs as it has in the past.

Competition is using litigation to help themselves and no one else.

Thank you.

Arthur E. Mari

P. O. Box 484
West Dennis, MA 02670–0484
CC:MSFIN@mic@inetgw

MTC–00026212

From: james williamson
To: Microsoft ATR
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement

To whom it may concern.

I have been in the computer industry for forty years and I believe the turnaround in the Microsoft case is a gross injustice and will hurt the market for both hardware and software. I believe that Microsoft lobbying just adds to the selling out of America to the highest bidder please reconsider. There is a great amount of real anger among my associates leading to pledges not to buy another Microsoft product. this anger could hurt an industry that is already scraping bottom.

Sincerely Jim Williamson

MTC–00026213

From: Jon Cochran
To: Microsoft ATR
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement

I'd just like to weigh in with my comment on the proposed Microsoft settlement. I seem to recall that an attempt to curb Microsoft's anti-competitive practices was attempted a few years ago, and they (microsoft) did nothing to keep their end of the agreement.

Please make sure it's done right this time.

Thank you,
Jon Cochran

MTC–00026214

From: benjane@harborside.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:55pm
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,
Ben and Jane Balzer
PMB 111, 1750 Highway 126
Florence, OR 97439

MTC–00026215

From: Kevin Moore
To: Microsoft ATR
Date: 1/26/02 3:56pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

Under the Tunney Act, I am writing to provide my comments on the proposed antitrust settlement with Microsoft. I am asking that you not agree to the proposed antitrust settlement and instead seek either a structural remedy or more stringent and open-ended behavioral remedies. I am in charge of Information Technology at a small aerospace business located in Southern California, and I feel that we have suffered due to Microsoft's illegal behavior in preventing competition to its products. Their past behavior, especially in flaunting the provisions of the 1995 consent decree and in refusing to admit any wrongdoing in the current case, gives me little hope that the weak provisions I have seen in the proposed consent decree will have any material effect on their behavior. We run Microsoft Windows and Microsoft Office on all of our desktop computers. The use of Microsoft's proprietary Word, Excel, and PowerPoint formats as de-facto standards for information exchange (even by our U.S. Government clients) ensures their continued importance for the foreseeable future. However, I understand that no part of the settlement requires Microsoft to release any information about file formats, implying that there will be no competition to Microsoft on our desktops in the years to come. I would prefer to see either a structural remedy separating Microsoft's operating system and application businesses, or a strong behavioral requirement to release all file formats for interoperability purposes.

The possible extension of Microsoft's desktop monopoly onto our server computers is of even greater concern to me. Our servers currently use the Linux operating system and Samba file serving software. These programs have worked well for us and are a credible alternative to Microsoft's server software. However, the proposed settlement gives no standing to the general public and non-profit organizations which are an important part of the development and support of these programs. The settlement also has too many loopholes in defining what interoperability information Microsoft must release. If Microsoft is allowed to withhold interoperability information from any interested party then they can effectively use their desktop monopoly to prevent an interoperable server program from being produced; their proprietary extensions to the standardized Kerberos authentication protocol are a good example of their willingness to use their desktop monopoly to their advantage in the realm of server software.

Please do not allow a repetition of what occurred in 1995. Small businesses like ours cannot afford to have Microsoft expand its monopoly further and limit our ability to purchase and use software and services in a competitive environment.

Sincerely,
Kevin Moore
Kevin C. Moore, Ph.D. (V) 909 392 3158
Advanced Projects Research, Inc. (F) 909 392 3156
1925 McKinley Avenue, Suite B
Kevin.Moore@advancedprojects.com
La Verne, CA 91750

MTC–00026216

From: lew berish
To: Microsoft ATR
Date: 1/26/02 3:59pm
Subject: Microsoft Settlement
10213 Napa Valley Drive
Frisco, Texas 75035
January 26, 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. The terms of the settlement are fair and a safeguard is in place to make sure that they are followed. All that is needed is for the government to accept the agreement. The terms of the settlement are more than fair, Microsoft has actually agreed to terms that extend well beyond the products and procedures there were actually at issue in the suit. As a term of the settlement a technical committee will be created to monitor Microsoft's compliance with the settlement. I feel that the terms are fair and a safeguard is in place to make sure they are followed.

The only thing left before putting this three-year-old issue to rest is for the Department of Justice to accept the agreement. I urge you to accept the settlement and let the technology industry move forward.

Sincerely,
Lew Berish
CC:fin@mobilizationoffice.com@inetgw

MTC–00026217

From: Terry Williams
To: Microsoft ATR
Date: 1/26/02 4:04pm
Subject: Microsoft Settlement

Go with the settlement.

This has gone on long enough and done little but cost money. Let's get back to business and the marketplace and out of the courts. There are seemingly two groups fighting MS. Its competitors (who might have a biased position) and the computing community who have an irrational hatred of MS (I know having been in the business for 25 years and a dedicated Mac user (but not an MS hater since I could never see the point)).

The consumer hasn't been helped by this at all. MS has traditionally been the low price leader (I remember well when OS/2 cost 600$ and Windows $79 and when Apple charged 2x the PC rate for everything it produced).

It is way past time for this to stop.

Terry

MTC–00026218

From: benson
To: Microsoft ATR
Date: 1/26/02 4:04pm
Subject: USAGBenson—Peter—1071—0124
Attorney General John Ashcroft
January 25,2002
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would lie to briefly explain some of my feeling about the Microsoft antitrust case. I

am a user and supporter of Microsoft's products. I cannot say that I agree with every decision Microsoft has made in the past, but business does not equal benevolence. I do agree that there was merit behind the issues that brought about the case, but that was three years and countless taxpayers'' dollars ago. It is time to put this matter to rest. If the settlement agreement will allow that happen, then I support it. Under the terms of the settlement, Microsoft has agreed to stop retaliating against those that design or promote non-Microsoft programs. Also, Microsoft will allow computer makers to configure Windows so as to promote those programs. A technical oversight committee will ensure that Microsoft complies with the terms of the settlement. I do not see the need for further federal action. Nine states have already approved the agreement, and Microsoft is negotiating with the remaining states reach an agreement. I fear that some of the states are using consumer protection as a veil for return on investment, and the case may never end. I hope that your office is watching the states'' motives as actively as you are watching Microsoft.

Sincerely,
Peter Benson
PO Box 10
San Patricio, NM 88348

MTC–00026219

From: Ryan C. Stehr
To: Microsoft ATR
Date: 1/26/02 4:06pm
Subject: what to do

I think, that to punish microsoft, the ruling of the court should require that only software by the computer manufacturer shold be allowed to be pre-installed on a computer. In other words: if you don't make the software, you have to sell your computer naked.

MTC–00026220

From: David Joerg
To: Microsoft ATR
Date: 1/26/02 4:08pm
Subject: proposed Microsoft Settlement has serious problems

I find I must agree especially with the comments in a letter dated November 5, 2001 from Ralph Nader to Judge Colleen Kollar-Kotelly:

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.

Also:

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.

And:

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.

Thank you for your attention! Please do the right thing for America, and live up to the American tradition of breaking monopolies and enforcing the law.

Sincerely,
—David Joerg
New York, NY
dsjoerg@yahoo.com

MTC–00026221

From: cookie
To: Microsoft ATR
Date: 1/26/02 4:09pm
Subject: Microsoft Settlement

It's time to be finished with all of the frivolous lawsuits against Microsoft—one of America's finest companies. The most recent filing by AOL/Time Warner—through its subsidiary, Netscape Communications Corporation—is absurd. Enough is enough. These lawsuits are blatant attempts by the parties filing suit to ''share'' in Microsoft's financial success because they are greedy and incapable of honorable competition.

As a consumer, I have both IE and Netscape browsers. I use them both—depending on my mood. I have never been forced to use one or the other. If one cannot follow instructions for choosing the primary browser, perhaps one should amuse oneself with activities that don't require a computer.

As a taxpayer, I am outraged at the ''legal'' shenanigans—or circus, if you prefer—and the expenses that will be passed to the citizens of our great country. I believe there are far more pressing issues for the DOJ to handle at this most crucial time in our history.

Sincerely,
A. C. Poh

MTC–00026222

From: TUPAI35@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:09pm
Subject: Re settlement.

To whom it may condern. The settlement for Microsoft is really necessary at this time. We have many problems in our country but Microsoft is not one of them. The spirit of this country is kindled by people who have ideas that bring better methods and ease to all of us. Microsoft has done that and others can do the same ina free country.The country needsMicrosoft in full stride to help overcome our recession and put people back to work. With due respect to all, Karen Small tupai35@aol.com

MTC–00026223

From: gcarm1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:12pm
Subject: Microsoft Settlement

This should come to a halt! For the good of the country and for all of us, let's call a stop to the harassing of Microsoft.

MTC–00026224

From: Bpipe2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:12pm
Subject: Microsoft Settlement

Gentlemen, Breaking up Micrrosoft is no help to those of us who only became PC users because of the ease of Microsofts Versions 3.1 and 95 and 98. The features of Microsoft 98, which I use, work smothly. Incompatibility will certainly result if you force others to provide the microsoft features which we find so easy to use. I am not to worried about the other PC providers not enjoying a so called fair market. This should be a free market and those with the best product ought not to be hamstrung by lawyers and the courts. Microsoft developed their code. Why should they give it away as some seem to desire. I am a user and I want to continue to purchase my PCs with all the Microsoft features. Warren Piper, Sun City Center, Fl.

MTC–00026225

From: Sanhare@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:14pm
Subject: (no subject)

Get off Microsoft's case. If it was'nt for them we would not be as far as we are technology-wise. LEAVE THEM ALONE. ENOUGH ALREADY.

Sandra Hare Goldbeck

MTC–00026226

From: Zach Kaplan
To: Microsoft ATR
Date: 1/26/02 4:21pm

Renata B. Hesse—

I am writing to voice my comments about the settlement between the United States and Microsoft. Microsoft should be praised instead of punished for its business practices. They're fierce competition has brought me amazing innovations in the field of information technology. I use Microsoft products every single day. As I graduated from College I started a company that build custom software. We were able to utilize tools Microsoft provides for developers in our products. With a very small development team we were able to create software used by small businesses and fortune 500 companies.

We were recently bought out and plan to start a new company. Each day I use Microsoft Word, Internet Explorer, Windows, and other Microsoft tools I am reminded of the thousands of people that devoted countless hours of their lives to create this value that has changed the world for the better. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to you. I do choose to use different software vendors. Macromedia's web development tools are better than Microsoft's so our company chose to purchase them instead. I do not think that the government has any right to decide what software I use in my computer. I also resent the idea that a successful business and its products are a threat to anyone. We worked very hard on our business to create value we could trade with others. Although our company was much smaller our customers still chose to purchase our products. Also I have read that this whole issue with Microsoft originated with one of Microsoft's unsuccessful competitors. If our competitors were allowed to set the rules for the markets in which we provided more value than them it would be an injustice.

I studied abroad a few years ago and expereinced first hand that in other countries when politicians protect some businesses from others is a dangerous policy, leading to corruption and economic disaster. I felt proud to be an American when I witnessed this activity. I hope you will protect our liberties from this kind of activity. Looking foward I wish to see an America where success is not throttled but embraced. I want a free America where anyone that chooses to think rationally and work hard can create and trade value with others. This is truly the American dream. I feel very strongly that Microsoft has a right to the intellectual property it created with its employees hard work. It is our great government's job is to protect this right, not to take it away.

Thank you for reading my comments,
Zach Kaplan

MTC–00026227

From: Lenore Horner
To: Microsoft ATR
Date: 1/26/02 4:17pm
Subject: Microsoft Settlement

The proposed Microsoft settlement doesn't make sense to me for a number of reasons. It proposes ''punishing'' Microsoft by letting it get its foot in the door through donated software. It doesn't seem to properly regulate the problematic behaviors. Consider for example the summary points below. per http://www.kegel.com/remedy/remedy2.html#abe

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.

One of Microsoft's more reprehensible modes of operation is that of bully: sell my stuff, my way and only my way or I'll put you out of business. The settlement fails to fully and uniformly protect companies from Microsoft's tactics. Why is it acceptable for Microsoft to use pressure tactics on little guys just because they're not top 20? The permission of Microsoft to continue its current licensing practice of charging on the basis of potential machines using the software rather than actual machines using the software is permission to charge for non-existent services. This is something that should be explicitly prohibited for all companies. One does not after all go to the store and buy as much juice as biologists have determined the people in your household could conceivably drink in some set period of time, rather one buys the amount one expects to use and buys more if more is needed. The argument that software can be pirated won't wash since one is presumed innocent until proven guilty. The present Microsoft practice not only presumes guilt but does not even admit of a procedure for proving innocence.

Lastly, given Microsoft's past history, it is imperative that the settlement have clear and potent means of enforcement embodied in the agreement as opposed to mere investigative powers. Thanks for ''listening''

Lenore Horner

MTC–00026228

From: Kathleen Turner
To: Microsoft ATR
Date: 1/26/02 4:18pm
Subject: Microsoft settlement

Jan. 26, 2002

The proposed settlement with Microsoft does nothing to lessen the stranglehold this company has on the software industry of this country much as the ancient medieval guilds in past history. The settlement is a bad idea as it does little to allow real innovations to occur in the industry be comletely scrapped and overhauled.

Kathleen Turner
kbt@billygoat.org

MTC–00026229

From: slomo13@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:19pm
Subject: Microsoft Settlement

Hi, I support the judgement already made against Microsoft. Please do not impose any more penalty upon them. Merton L. Thornton

MTC–00026231

From: GLansman@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:21pm
Subject: Microsoft Settlement

Dear Mr.Ashcroft:

As an independent computer consultant, I am writing to express my support of Microsoft. Much of my daily work is done with Microsoft's software, including Windows NT, Office, FrontPage and Visual Basic.

I have had much success using Microsoft products in working on large projects for my clients. I was never forced to use Microsoft's products, as I had other options. However, Microsoft just happened to offer the best product on the market. I never considered Microsoft exercised any anticompetitive monopolistic influence on me, and I feel this lawsuit was a waste of time and money.

Now that Microsoft and the government have reached agreement, I think all litigation regarding these cases??? issues need to end. Microsoft agreed to the establishment of a technical committee to monitor Microsoft's compliance with the settlement and to assist with resolving any disputes. Hasn???t the court ruled that is enough? Aren't the states pursuing further litigation because of influences from special interest groups? Let's put this antitrust case to bed. There are far more pressing issues that the Government needs to focus on, such as reviving the economy and stimulating the creation of more jobs.

Sincerely,
Gary Lansman

MTC–00026232

From: GARABED HOVHANESIAN
To: Microsoft ATR
Date: 1/26/02 4:22pm
Subject: Microsoft Settlement

Dear Sir :

The Microsoft settlement is a good settlement and is for everyone.

Thanks.
Sincerely,
Nancy Hovhanesian

MTC–00026233

From: Daniel Lee
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 4:22pm
Subject: Microsoft Settlement

Dear Sir/Madam:

My Name is Daniel Lee of San Mateo, CA, I am a professional computer programmer. I feel very strongly that the current Proposed Final Judgement (PFJ) is insufficient to prevent further abuses by Microsoft and fails to punish Microsoft for past misdeeds.

Many have pointed out problems with the PFJ's sections concerning the API's with regard to their definition, distribution and documentation. I wish to point out the main tool through which Microsoft has illegally maintained their monopoly.

One of the most fundamental tenets of U.S. Anti-trust (Clayton Act, 1914) law is that the holder of an essential resource (a railroad trunk or other monopoly) cannot use this hold to restrain trade. The Clayton Act of 1914 specifically prohibits exclusive dealing and similar anticompetitive acts. Microsoft, by virtue of its posession of the Microsoft Windows operating system, through restrictive licensing has specifically prohibited the purchase and installation of potential competitors by OEM's. In Feburary of 1999, the CEO of Be, Inc., a potential

competitor to Microsoft Windows in the OS arena, offerred PC makers their BeOS operating system for free. Many PC manufacturers expressed interest, after all, they could then offer their computers with a added value for very little expense themselves. But only one (Hitachi) eventually installed the OS on their computers, and then so thoroughly hidden that it required more than 10 steps to start up the BeOS. The current PFJ fails to prohibit these and other anticompetitive practices by Microsoft towards OEMs. Specifically, the PFJ allows Microsoft to retaliate against any OEM that ships personal comptuers containing a competing OS but no Microsoft operating system. In view of this deficiency and the others pointed out in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html) I have reached the conclusion that the Proposed Final judgement, as written, would allow Microsoft to continue its significant anticompetitive practices. The Proposed Final Judgement is not in the public interest.

Sincerely,
Daniel Lee
San Mateo, CA
Senior Software Engineer

MTC–00026234

From: Larry Barone
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 4:35pm
Subject: Microsoft Settlement
To: Department of Justice

Ladies and Gentlemen:

I am an owner of a small engineering services business which has been operating now for the past 25 years. I am writing this letter from this perspective and in particular to comment on the events of the past few years regarding Microsoft, and to also offer my thoughts as a consumer on my opinion of Microsoft as a company, their business practices, and how I view them as a consumer of their products.

I have been watching with much interest, the progress of the lawsuits againsed Microsoft over the past few years. Initially, I was of the opinion that it seemed to be an unusual alliance between government, and Microsoft's competitors. I could understand the desire of their competitors to gain leverage againsed Microsoft whatever way they could, but was surprised that they were able to enlist the aid of the government in their effort. However, as the case progressed, I was persuaded that some of Microsoft's practices were probably subject to criticism with some remediation being in order.

However, I have another way of looking at all of this since I am a committed consumer of their products, which is to attempt to measure what the net benefit has been to the consumer of the all the activities of Microsoft for the past two decades. If the experience of my small company is any measure of the true value that Microsoft products have brought to the small businesses of this country, the net value to the economy of this country has been enhanced beyond measure. For the first five years of operating this business, large investments in computers in excess of $60,000 resulted in only the marginal ability to do word processing. However, in the early 1980's, with the advent of the personal computer, powered by Microsoft operating systems and applications software by Microsoft and other suppliers, our business model was completely automated and revolutionized. In the intervening years, we have witnessed and benefited from an increasing level of integration of applications which have been offered at a cost which goes beyond affordable. In most cases, the price of the current Microsoft small business office automation offerings is under priced when we measure the value it brings to our enterprise. Today that same $60,000 will purchase capabilities which have been conservatively estimated to be worth 100 times the original value. Another perspective about Microsoft which seems to be overlooked at least by the media in their reporting, is that unquestionably, Microsoft understands who their primary customer is—the consumer and small business. Their competitors pay lip service to us but typically have their primary focus on the big corporate and institutional accounts. And regardless of what can be said about their business practices, one of the major reasons for their success is the fact that they are very focused on the needs of their primary customer. I believe that the current settlement which has been agreed to needs to be ratified for the reason, that I believe that the recent legal struggle will have a chilling effect on Microsoft, regardless of the eventual details of the settlement. They will be restrained from behavior which will be in any way interpreted as stifling competition. However, going forward with a settlement is also important, as a signal and precedent to other greedy self interested competitors who would be motivated to get in court what they cannot achieve in the open market. I urge you to ratify the current settlement agreement.

Thank you for considering my comments and opinions.

Larry Barone
President
South Coast Systems, Inc.
2110 E. 1st St.
Santa Ana, CA 92705

MTC–00026235

From: Paul Hubert
To: Microsoft ATR
Date: 1/26/02 4:23pm
Subject: Microsoft Settlement not merely exceedingly bad, but a unique GIFT to a huge corporation .–.–. just wonderful .–.–.

I can only assume that the Federal government and its attorneys are either blind, deaf, and completely moronic .–.–. or have been paid off handsomly under the table.

Congratulations on becoming one with the Living Dead!

MTC–00026236

From: Nigel Gamble
To: Microsoft ATR
Date: 1/26/02 4:26pm
Subject: Microsoft Settlement

I believe the proposed settlement is a very bad idea. I do not see how it will restore competition and effective consumer choice in the personal computer operating system market.

In particular, it excludes the open source development community from consideration completely. Freely available operating systems such as Linux or FreeBSD which are able to run Windows applications would provide very real competitors to the Windows monopoly, but Microsoft does not disclose information about its application programming interfaces, file formats and communication protocols which would allow these operating systems to run Windows applications. A settlement which enforced this would go a long way to opening the personal computer operating system market to real competition, giving consumers a real choice at last.

Nigel Gamble
Operating System Software Engineer & Linux kernel contributor.
Mountain View, CA, USA.

MTC–00026237

From: bobmccroskey@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:25pm
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,
Robert McCroskey
2004 Prestancia Lane
Sun City Center, FL 33573–6915

MTC–00026238

From: JnJRanch
To: Microsoft ATR
Date: 1/26/02 4:28pm
Subject: Microsoft Settlement
Department of Justice:

I feel it is time to settle the Microsoft case and move on. I feel it is a detrement to the country and our economy to continue to drag this suit out.

Jeanne Jacobs (jnjranch@camano.net)

MTC–00026239

From: stsullivan@charter.net@inetgw
To: Microsoft ATR
Date: 1/26/02 4:26pm
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,
Sue Sullivan
4389 L. Fayetevl. Rd.
Sharpsburg, GA 30277

MTC–00026240

From: Martin Joseph
To: Microsoft ATR
Date: 1/26/02 4:29pm
Subject: Microsoft settlement comment.

Sirs and Madame's,

I would like to add my voice to those who feel MS is once again trying to thumb there nose at DOJ and the rest of the computer industry while using the so called ''settlement'' as a tool for further destroying the competitions business and extending there monopoly power into new markets.

Obviously the ''feel good'' concept of donating to education is destroyed by the fact that:

1) They are trying to damage Apple Computers business in this market.

2) The 1 Billion figure is a joke with regards to Microsoft's actual costs/benefits.

3) They are continuing to behave in the same illegal fashion (ie .NET, Windows XP, Xbox, etc.).

Microsoft was bred on a tradition of paranoia and dirty dealings, the stories in the industry abound. They gained an overnight monopoly based on the market clout of the IBM brand in 1981, when IBM entered the market and (foolishly) allowed MS to license the same software's (dos/basic etc.) that they were licensing to others(compaq, dell, hp, emachines, gateway, etc). This created the current condition of hundreds of vendors competing with products that all use the identical Microsoft OS as there critical element.

I feel that any equitable settlement would involve two parts.

1) a large CASH payment (on the order of 10 billion). Lord knows this is still a drop in the bucket for them.

2) Oversight of there day to day operations by independent persons.

They need to be PUNISHED in way that makes them feel it, and forces them to change there attitude and operations.

Thank you,
Martin Joseph
10553 Alton Ave. NE
Seattle WA, 98125
206 363 1183

MTC–00026241

From: Paul Gabriel
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft Settlement

Hello,

Just adding my disapproval to the proposed settlement. I'd like to see more source disclosure. Give this thing some real teeth instead of barely a slap on the wrist. Get rid of all the loopholes where Microsoft gets to decide what they will and more importantly will not disclose.

Paul Gabriel
85 Lowell Place
Santa Cruz, CA 95060

MTC–00026242

From: Bill(038)Kim Worden
To: Microsoft ATR
Date: 1/26/02 4:31pm
Subject: Microsoft Settlement

Dear Judge,

I am a concerned citizen voicing my negative feelings about the proposed settlement with Microsoft. Our nation's sense of fair play and honest competition have been the fuel that propelled us to the status of world leader during the industrial, space, and now technology dependent age. Microsoft has played a large part in advancing technology and deserves all the credit for this. However, it does not give them the right to violate the rules set in place to advance new innovations and ensure a healthy economy that relies on competition. Please, do your part in protecting the rights of fair play.

Thank you for your time,
God bless,
William J. Worden, DDS
551 Napa Valley Lane
Crestview Hills, KY 41017
(859)426–1068

MTC–00026243

From: drbeto
To: Microsoft ATR
Date: 1/26/02 4:27pm
Subject: MicroSoft Settlement

Enough is enough, let them go on providing just what the public wants. For me and my household, we are completely satisfied with Microsoft just as they are, let the government better spend their time chasing after illegal aliens and terrorists, and stop trying to bring down the best thing that has ever happened to John Q. Public.

Robert Thomas,
A satisfied User

MTC–00026244

From: P W Mueller
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft settlement
Microsoft settlement.

I am a computer owner, user and curser. More importantly I am a Microsoft product user. The reason I use Microsoft products, windows, office and word and other support conveniences is because these programs work! The reason I do not use other programs is simply ''they do not work'' I know that because I have a box full of them and I spent far more in money and frustration for each of them than I paid or endure for Microsoft soft ware .

I know the difference between good tools and bad because 1938 was not a good year for computing tools or an open minds to wacky ideas that employed the use of the wind to transport, record and store data.–.–.–. Yes I believed in the telephone but just barely. Like magic we were told we could instantly retrieve and manipulation documents stored somewhere on a main frame and paper would be a eliminated or possibly eviscerated to quote the State department. To say I was opposed is an understatement but in the late 1980's I was wired with the state of the art Rainbow computing system. My office was now efficient! My people could now do in days what previously took hours by hand. I was now part of the future supervising people that hated me and their job. With a single key stroke or blip in the power or a lightening strike days of work was lost for ever. Since those days I have used many generations of bad programing and worse programs bought by the ''DOD'' If I forced myself to remember bad memories of my youth I could probably list a number of them but the one I remember most was a $4 million dollar system that was brought into our department The company unloaded the system and left, we sent people to off to a school in the south that arrived at a empty ware house we never heard another word from the company. God alone knows how many Millions of dollars was picked from the pockets of the Government but not a single word was ever uttered by the ''DOJ'' pursuing this theft of public money.

The point of that boring dissertation is that somewhere Microsoft came along and some bright young man installed an unauthorized copy and wonders of wonders the promise of the future became a reality. We could do all those things that failed with all those other systems.

Now my question to the ''DOJ'' is why is the ''DOJ'' so hot on the trail of Microsoft? A company that produces a good product, that supports the community, the State, and the Nation as well as poor countries around the world? Yet by admission the ''DOJ'' does not have time to prosecute, arraign or even pursue companies and corporations that are absolute frauds. Janet Reno was proud to announce to the world that she had 13 ''DOJ'' lawyers in Washington DC working full time going after Microsoft and a complete office of the ''DOJ'' some where in the west working on this one case FULL TIME yet she and ''DOJ'' were so under staffed and undermanned that it was not possible to even arrest known criminals, the telemarketer's simply stealing from people, the travelers that move about the country that go as far as forcing the elderly to pay for unwanted and worthless construction and repairs, drug dealers, gang's, to hardly say anything about the ENRONS! Or what we know now as the true cost of porous borders This list can go on for a very long time. Sadly the ''DOJ'' knows all this, none of this is news or even new to them or any one else. So again I ask why is the ''DOJ'' wasting my tax dollars to come to the aid of a number of ''Johnny come lately's '' that can not produce a quality product who's motives are clearly to cash in on what Microsoft started from the ground up with a few bucks and guts and neglecting the real problems that are a plague to our society. When Microsoft supports a communities it does so with a dollar at full value unlike the

.010 cents on the dollar a community might get form a government program, when Microsoft gives money, property and training to the community it does so with money it earned unlike the government.

The existence of Microsoft is a United States success story that should be supported not vilified! .–.–. Bill Gates has not run to a foreign country to produce his wares. He started here and so far has stayed here and it baffles me as to why the ''DOJ'' is so intent on destroying an American success story. It certainly is not for the reasons stated by the ''DOJ'' ''consumer protection'' I paid ''$398 plus for Corel's word perfect'' (a good program) I paid $98 for Microsoft windows and another $89 for Microsoft word (combined far more useful than Corel's program) So who do I need protection from? Microsoft! I don't believe so! So.. to the department of justice once again I say what is going on? I see this pursuit of Microsoft as a vendetta that was clearly stated to the nation and media by Judge Jackson, Janet Reno, and Klien .–.–. and that is a fleecing of the tax payers forcing us to pay for the destruction of a good company and the gifting of funds and rewards to companies that produce inferior products. Companies that want Bill Gates and Microsoft to give them the keys to success as directed by the DOJ'' and this is wrong!

Sincerely Paul W. Mueller

MTC–00026245

From: Stephen Estes
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft Settlement

To Whom It May Concern,

I do hope the DOJ does what ever is possible to get the Microsoft settlement closed and done with. I am a software developer and am amazed at the array of law suits maligned against Microsoft by companies with vastly inferior products. The government in alliance with these jackals have encouraged this deluge. The latest: AOL, seeking damages for Netscape, a horrible product. Just get a competent software engineer to compare the public APIs of the two products. Netscape's is a mess and only a fool would choose to target it for development over Internet Explorer. And AOL squawking about closed monopolies? Ask them why it is not possible to interface with their messenger. Compare this policy to Microsoft's .NET W3C sanctioned architecture where all interfaces are discoverable with a simple invocation of a URL.

Please, end the travesty and let the industry once again freely evolve. Allow us to develop and integrate our products into freely emerging standards without the fear of federal impediment. And if you must meddle, force AOL to open their products, specifically messaging, to the newly standardized interfaces.

Sincerely,
Stephen Estes
Software Engineer
225 Moody
Lufkin, TX 75901

MTC–00026246

From: Carl Youngdahl
To: Microsoft ATR
Date: 1/26/02 4:33pm
Subject: Microsoft Settlement

Dear Department of Justice,

I, a US citizen, believe that the Proposed Final Judgment in the Microsoft Settlement fails to prevent detrimental anticompetitive practices, hinders constructive competition from compatible operating systems, and is not in the public interest. The settlement should be reworked to effectively address these problems in an enforceable way, taking into account Microsoft's position, power, history, and tendencies.

Most sincerely,
Dr. Carl J. Youngdahl
carl@sourcelight.com
CC:Carl Youngdahl

MTC–00026247

From: Don Stephens
To: Microsoft ATR
Date: 1/26/02 4:35pm
Subject: Microsoft Settlement

Dear DOJ;

I urge you to impose severe restrictions on Microsoft to prevent them from taking advantage of their ill-gotten market share to the detriment of the general public. They should not be allowed to ''bully'' their competitors as they have in the past. As a Java programmer and a Macintosh user, I have suffered doubly from their past anti-competitive practices. I urge you to restore competition to the computer industry by imposing comprehensive restrictions and then following through with close monitoring.

Sincerely,
Don Stephens
908 SE Cora
Portland, OR 97202
stephens@pmug.org

MTC–00026248

From: M.X. Rees
To: Microsoft ATR
Date: 1/26/02 4:38pm
Subject: microsoft settlement

Ms. Hesse-

While nonchalantly frittering away my day at work surfing the internet looking for news about the Enron debacle, I somehow stumbled onto a business news site, and ultimately, after a strange series of twists and turns on the Al Gore Soopahighway, ended up on the US vs. Microsoft site. http://www.usdoj.gov/atr/cases/ms-settle.htm I hadn't realized I was so timely with my search, since the Tunney Act stipulations expire here in a couple of days. Since this is a very democratic republic (viz. Tocqueville), the public actually gets to give its input on the ''Public Interest.'' Excellent.

I want to come out and say that Microsoft has frankly been on the receiving end of the proverbial shaft. This settlement is insane. It scavenges over the intellectual property of Microsoft like vultures in the desert. At the same time, we tell our comrades in China about our committment to private property—particularly intellectual property—and how it is necessary to respect those fundamental rights if they wish to join the WTO. I am sure that there are others who gloat at the irony of how we begin to promote software piracy (and hacking) just as we warn other countries that we value the rule of law to promote success.

Next, changing the power of licensing from the licenser (a software trust) to the licensees (an OEM trust)is a great idea that won't change a darn thing for consumers. Saying that this has anything to do with the public is disingenuous at best. The OEMs, so oppressed by that demon Microsoft, include the poverty-stricken firms of Dell, IBM, and Compaq. The same vow of poverty holds true for Sun Microsystems, AOL, and Oracle, who also are prime litigants in the trial of how Microsoft is a sole corporate tyrant. Sun in particular is the most amusing, since on its website it complains about Microsoft having ''monopoly power,'' while at the same time putting this ironic tagline at the end: ''[Sun is] a leading provider of industrial-strength hardware, software and services that power the Internet and allow companies worldwide to ''.com'' their businesses. With $13 billion [yes, Billion] in annual revenues, Sun can be found in more than 170 countries. –.–.'' http://www.sun.com/smi/Press/sunflash/2000–04/sunflash.20000403.4.html

It doesn't really seem to me that Microsoft is pushing these guys out of the market.

I realize that the good AG was put in a bad position politically and had to compromise—dropping the case like bricks would have been rather hard to justify to a great deal of loud and important people like the Senate Judiciary Committee and the AOL/Sun/Oracle cartel. Due to the way Washington works, it's very difficult to avoid that. Still, if there was any justice in the world, we'd drop this suit altogether, and have President Bush use some peculiar anachronistic executive pardoning power to vindicate Microsoft. Of course, if there was justice in the world, we'd also hang John Walker Lindh at high noon.

Thank you for hearing my thoughts on this important matter. Keep up the good work at the DOJ, and tell Mr. Ashcroft to hang in there—AG has to be one of the most difficult jobs on Earth these days.

Yours,
Matthew Ch. Rees
4509 Brandywine St. NW
Washington DC 20016
26 January 2001

MTC–00026249

From: Bose, Landric A.
To: Microsoft ATR
Date: 1/26/02 4:39pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is wholly unsatisfactory, and as a taxpayer I would be highly displeased with a ''punishment'' of allowing Microsoft to increase it's market share, which is what this suit was concerned with in the first place. If the United States is truly comitted to promoting a fair marketplace, this is the occasion in which to do it.

Thank you for your time.
-Landric A. Bose
Houston, TX

MTC–00026250

From: Paul Luczka
To: Microsoft ATR

Date: 1/26/02 4:39pm
Subject: Microsoft Settlement

Please don't allow onerous regulation and endless litigation to gum up private enterprise and customer choice.

Thank you.

Paul Luczka

MTC–00026251

From: cruss1408@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:39pm
Subject: DOJ Letters
Letters sent to doj and Senator Santorm

MTC–00026251 0001

Letters sent to doj and Senator Santorm

MTC–00026251—0002

01/29/2002 12:21 !

MTC–00026252

From: Bob Bressler
To: Microsoft ATR
Date: 1/26/02 4:44pm
Subject: Microsoft
Re: Microsoft settlement.
Oak Hill South 302
Penn Valley PA 19072
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530 Dear Mr. Ashcroft,

We are writing about the Microsoft case. This issue has been going on far too long. Microsoft is a good innovative company which is being hurt because of, among other things, the amount of company resources required in this seemingly endless effort. Please do your best to uphold the settlement and ensure the end of this mess.

The settlement is fair, calling for more sharing of technology secrets among competitors and easier access to non-Microsoft programs in the Windows operating system. These will ensure that there is fair competition in the technology industry, which was the main issue of this lawsuit. Please respect the proposed settlement; it is in the best interest of everyone involved.

Sincerely,

Robert A. & Elayne B. Bressler

MTC–00026253

From: Evelyn Cote
To: Microsoft Settlement U.S. Department of Justice
Date: 1/26/02 4:42pm
Subject: Microsoft Settlement
Evelyn Cote
13 Creigmont Lane
Fairfield Glade, TN 38558
January 26, 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,

Evelyn Cote

MTC–00026254

From: Ian Filson
To: Microsoft Settlement
Date: 1/26/02 4:45pm
Subject: Microsoft Settlement
Ian Filson
31161 RPO Way, Rutgers, the
State University of New Jersey
New Brunswick, NJ 08901
January 26, 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,

Ian Filson

MTC–00026255

From: SatGuru
To: Microsoft ATR
Date: 1/26/02 4:49pm
Subject: Microsoft Settlement To whom it may concern,

Proposed settlement is too lenient.

I feel that the proposed settlement does not impose enough sanctions and restrictions on Microsoft. The settlement falls far short of penalizing Microsoft for their unfair use of monopoly power in the past and does little to restrain their future use of their monopoly position. Further, their proposal to ''pay back'' to the community by ''giving'' Microsoft products to schools and other public institutions (but not give support) is ridiculous. It would only extend their monopoly further without costing them a single red-cent. On the other hand .. if they refunded all payments made to Microsoft from public institutions for past product purchases and support .. now THAT would be meaningful. Microsoft is clearly a monopoly and clearly uses monopoly power to bully its way around the marketplace to push viable competitors into closing their doors.

Microsoft should be forced to choose to be either a platform vendor or an application vendor. It was wrong for them to assume both roles. By 1995 at least, and probably earlier, they should have spun off the applications business (Office products, primarily) into a separate independent business. By keeping both, they effectively shutdown (or shutout) most business application vendors, by competing unfairly. For other vendors to make their own operating systems is like suggesting that other phone companies run duplicate wires and telephone poles in every neighborhood. When an operating system becomes that pervasive it should be treated like a public utility, like part of the national infrastructure, not owned by anyone, but supported by the public, for the public good.

Sincerely,

Sat Guru S Khalsa
21 Baltimore St
Millis, MA 02054

MTC–00026256

From: RUTHANN SUDMAN
To: Microsoft ATR
Date: 1/26/02 4:51pm

Dear Renata B. Hesse

I wish to file a complaint about the proposed Microsoft settlement as allowed by the Tunney Act. Although there are many points to argue in this settlement, I have selected Section III.A.2.

I am concerned because the PFJ prohibits certain behaviors by Microsoft towards OEMs, however 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. I do not find this to be an acceptable solution. I am TIRED of purchasing computers and paying for an Operating System that I will NEVER use. In the past, Microsoft has made legal arrangements with most major OEMs that act to cause financial distress upon said OEMs if alternate Operating Systems are offered on their stock machines. As a result, in the current market the option to purchase a stock machine without the Microsoft Operating System has become nonexistant at

mainstream retailers such as Best Buy and Office Depot.

I want it to be made very clear to Microsoft that OEM's may purchase copies of the Microsoft OS/licence at a volume discount even if they choose to offer more than one OS as the stock Operating System install. The volume discount pricing should be the same, whether or not the OEM chooses to offer more than one stock Operating System. An OEM should not be punished for offering their customers a choice.

As an example: If Microsoft can force an OEM to offer ONLY the Microsoft operating system on its personal computers, will all pickup truck owners one day be forced to buy their trucks with snowplows automatically installed because a major snowplow manufacter makes financially advantageous deals with truck manufacturers? I am certain everyone who lives in a more temperate part of the country would be very pleased... just as pleased as I am when I purchase a work machine that has a buggy, security faulted, diseased Operating System installed that impairs my work?

Thank you for your time,
Sincerely,
Ruthann Sudman
2015 41st Street NW # F40
Rochester, MN 55901
(507) 358–7658
rjsudman@charter.net

MTC–00026257

From: golf4dude
To: Microsoft ATR
Date: 1/26/02 4:55pm
Subject: Microsoft Dear Sir,

I would like to comment on the lawsuits that Microsoft has been faced with. I feel that these suits are based on inaccurate charges. These suits have also reduced the nations'' wealth and effected personal IRA's far more than the Enron failure ever could. As a matter of fact, I feel that the start of the recent economic downturn can be directly related to the Clinton/Reno court actions against Microsoft I feel that the government is acting to protect companies such as Netscape from unfair practices that are non-existent. Over the years I have purchased several computers, many had Netscape available and needed only to be activated for use. I have used Netscape but chose to use Internet Explorer because I like it. If Netscape develops a better product, I might use it, but that's my choice. I have used AOL, but now I have a local ISP. Is AOL going to bitch and file suit because I am not using their product? The ISP that I am with has 5000 customers and AOL has 9 million, is this unfair practices? As I see it the government's job is to protect me from a monopolistic company not Netscape or AOL from having to compete. The government should focus on protecting the consumer and get out of the business of hampering competition and development.

Ken Dell

MTC–00026258

From: dmdlil167227014@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:50pm
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,
Maureen Gilbert
1810 Shardell Dr.
St. Louis, MO 63138–1143

MTC–00026259

From: Dreamof427@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:57pm
Subject: Microsoft Settlement

Having revieved the tentative Final Judgement of the Microsoft Antitrust case, I urge you to give final approval t the judgement as is stands. It appears that Microsoft has made concessions in good faith and I feel that further interference with Microsoft's ability to conduct business would adversely effect many aspects of the American economy.

Very truly,
Susan Roesler

MTC–00026260

From: jpavlo@ilm.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:58pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. My background: I am a visual effects designer for film. I work at Industrial Light and Magic in San Rafael California using Silicon Graphics and Linux operating systems. Our company uses Windows and Macintosh operating systems as well. Each operating system used here has an important place in our production workflow. I'll try and keep this breif and to the point...

Essentially, I'm totally against the weak settlement proposals and would like the Department of Justice to consider harsher punishment for Microsoft's crimes. I can't imagine that anybody believes the current ''toothless'' settlement proposals will have any effect on Microsoft's anti-competitive behavior. Even in light of the negative publicity from the trial, and the damning ''findings of fact'', Microsoft boldly continues to take over everything that's up for grabs (and some things that aren't!). In the several years since the trial began, we've seen Microsoft branching out into new markets and unfairly using their monopoly position to promote Xboxes, the PocketPC, MSNBC, Hotmail, WindowsXP, Windows Media Player, their ''.net'' strategy... the list goes on and on. I read the news that the US Navy is switching everything over to Microsoft Windows—something I find quite frightening! I also read last week that they just bought all of Silicon Graphics patents in 3D technology—This concerns me immensely, because of the industry that I'm in. They could use these to leverage power unfairly to squash competition in the film and television industry as well as the huge games industry.

It begs the question, why, when Microsoft is in the middle of an antitrust/monopoly trial, is Microsoft even allowed to buy up intellectual property and agressively expand into new markets? Please, reconsider the settlement proposal. They were found guilty of anticompetitve practices in 1995. They got a slap on the wrist and that didn't stop them continuing their illegal business practices that are the subject of the current trial. What makes you think that they'll pay the slightest bit of notice to the current proposals? What should be done? I think they should be hit up with an enormous fine that is in proportion to their huge market cap and value of assets. I think that this fine should not be trivial, it should hurt the company and make them afraid to transgress the law again. I also think that Microsoft should be split up. Clearly they have far too much influence and power for a company that has demonstrated again and again that they are unable to wield this power responsibly.

Essentially, I ask the Department of Justice for Justice.

Thank you,
Joe Pavlo
Joe Pavlo
Industrial Light and Magic
San Rafael, CA, 94901

MTC–00026262

From: William J Crowe
To: Microsoft ATR
Date: 1/26/02 4:59pm
Subject: Microsoft Settlement

I think that the proposed settlement is tough on Microsoft but a fair compromise for all parties concerned. Do not allow this to drag on longer at the interest of some special groups. Yours Truly,

MTC–00026263

From: meisenback@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:56pm
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,
Marilyn Eisenback
3510 Indian Meadow Dr.
Blacksburg, VA 24060

MTC–00026264

From: William R. Hahn
To: Microsoft ATR
Date: 1/26/02 5:01pm
Subject: Microsoft Settlement

Gentlemen:

I, for one, I hope that ''reluctant parties'' allow the settlement to proceed without further complications.

Microsoft can be ''accused'' of *Bringing the best software to market that money can buy *Providing excellent customer service and follow-up *Never abusing its extraordinary success by gouging consumers *Coming up from behind in a new field . and ending on top. (i.e. Internet Explorer).

No wonder that AOL and others try to get relief in the courts, when they realize that they are losing in the marketplace!

William R. Hahn
Los Angeles, CA 90049

MTC–00026265

From: Richard Borczak
To: Microsoft ATR
Date: 1/26/02 5:02pm
Subject: Microsoft Settlement

I understand that a settlement had been reached with Microsoft as a result of the long trail, but that competitors are still wanting to go further. I cannot see it. I switched recently from Netscape Navigator to Internet Explorer because I found that IE is BETTER.

I received Netscape navigator years ago, FREE, to use. I see no difference for Microsoft to give IE free than Netscape giving it away.

This foolishness has cost everybody a lot of money already. Don't prolong it.

Richard L Borczak

MTC–00026266

From: John Davis
To: Microsoft Settlement
Date: 1/26/02 4:58pm
Subject: Microsoft Settlement
John Davis
29 Birch Ct.
Oakley, Ca 94561
January 26, 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.

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,
John A. Davis

MTC–00026267

From: Mark Spacher
To: Microsoft ATR
Date: 1/26/02 5:05pm
Subject: MICROSOFT SETTLEMENT
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to ask that you give your approval to the agreement between the Department of Justice and Microsoft. It is time to put this matter to rest. The two parties have worked for three years to settle it and we should abide by their efforts. Any further action will only be a waste of taxpayers'' money. The fact there was a lawsuit at all is annoying to me. Bill Gates worked long and hard to make his company successful. Now, he is being punished for it. This lawsuit was more a political ploy than any shady business dealings on the part of a company. Microsoft has also acceded to many of the requests of the Department of Justice. Microsoft will have an oversight committee to monitor future actions; Microsoft has agreed to help companies better achieve a degree of reliability with regard to their networking software. Microsoft will give computer makers broad new rights to configure Windows to promote non-Microsoft software programs. This is more than fair

Give your approval to this agreement. It is time to go forward. Thank you.

Sincerely,
Mark Spacher
40 North Avenue
Rochester, NY 14626

MTC–00026268

From: jack engel
To: Microsoft ATR
Date: 1/26/02 5:06pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement made between Microsoft and the Department of Justice is more than just. I feel that this situation has dragged on for far too long. I would like to see it brought to a close as soon as possible. Microsoft has agreed to more than they should have, and asking them to do more is absurd.

Microsoft is willing to license some of the internal codes of Windows so that its competitors will be able to develop software that is compatible with Windows. This will allow for more competition within the IT industry, which will in turn help the economy. Furthermore, once this issue is decided at the Federal level, it should be over. The states should not have the option of pursuing further litigation. Thank you for considering our views on this issue. I hope that this matter is soon brought to a close. Our courts should be pursuing more important matters.

Sincerely,
John & Susan Engel
Jack Engel
82 South Avenue
New Canaan, CT 06840
203 966–7576

MTC–00026269

From: M. Schultz
To: Microsoft ATR
Date: 1/26/02 5:06pm
Subject: Microsoft Settlement

Department of Justice

Dear Folks:

When pondering settlement penalties and costs as compensation for monopoly practices, it is appropriate to consider where the electronic industry would be today had Microsoft (MSFT) not been allowed to ride roughshod over the hardware and software industries over the last 9 years. Is it conjecture to work to try to determine where the industry would be or can one forecast with relative accuracy? Forecasting the future is highly problematic but we have many employed in that field, including within the government, so even forward looking is considered a legitimate exercise. This effort, however, is more akin to ''Monday morning quarterbacking,'' and I believe it can be done rather precisely. Determination of the paths available in retrospect can be made highly accurate. There are much better pundits and experts that I to accomplish this but I can tell you from my nearly 30 years of experience in the electronics industry that had MSFT been reigned in by Justice when they began this illegal and unethical activity, the face of the software and hardware world and the high technology industry would be very much different. Netscape might be the largest software company and we could all very well be using Apple computers. There would be much different corporate use globally, and the many flavors of Linux utilized by enterprise would not have appropriated the hundreds of billions of dollars out of the economy that MSFT pulled. How many new firms would this money have spawned? How many jobs would it have created? What new technologies could have been driven that without the world of Windows to crush and destroy them, would now be thriving enterprises?

The reason that the high tech industry is in such a shambles and depression right now

is as a direct result of one player dominating the market and the industry for far too long. Nine years without much innovation on the desktop and the resulting spawn of computer viruses are one the best testimonies on the one player who controls everything.

I believe the huge tech industry in the United States would be MORE THAN DOUBLE it's current size today, employing hundreds of thousands of additional workers, had Justice not been asleep at the wheel and MSFT not been allowed to dominate and obliterate virtually everyone in their path.

To make things right, I believe MSFT must be forced to contribute $100 billion dollars to an electronics industry investment fund, so that enterprising companies and individuals can receive funding to bring their ideas and products to market. MSFT must also open all closed standards on their browser and their operating system; their applications, such as Office, etc., should remain their sole IP. This penalty should be paid over 5 years, to give the economy a boost.

This penalty will return some of the money MSFT appropriated from the electronics industry, and although we can never get these nine years back to re-live, at least we can re-establish a level playing field and an atmosphere of innovation once again. This money will create jobs, and these jobs will create a greater tax base. Hopefully, we can re-capture some of the jobs MSFT eliminated from the economy.

Additionally, an oversight committee must be established to make certain MSFT is properly regulated and does not commit further damage to the American economy. Because of MSFT's power and wealth, the individuals on the committee should be rotated every six months.

Again, I firmly believe the computer and electronics industry would be more than double it's current size if one company had not sucked so much capital and resources out of the economy. Imaging spreading all of that capital around hundreds of companies over the last nine years, and I think you would be able to envision where the US electronics industry would be right now. Good luck, keep up the good work and thank you very much for not allowing MSFT to escape and profit from the earlier absurd settlement. Push this win to conclusion.

Best,
Matt Schultz
7985 S. Bemis Street
Littleton CO 80120
CC:Tam Ormiston

MTC–00026271

From: Matt Matthews
To: Microsoft ATR
Date: 1/26/02 5:07pm
Subject: Microsoft Settlement

I am writing to you as a concerned United States citizen to express my opposition to the Proposed Final Judgment put forth by the Department of Justice to settle the current antitrust case against Microsoft. This PFJ does not address adequately the issues raised during that case, especially considering that Microsoft was found guilty of monopoly maintenance. As a user of an alternative, non-Microsoft operating system, I am constantly aware of the difficulties that the Microsoft monopoly imposes on the computing world. I work as a mathematician in the Duke University Mathematics Department, and I routinely run into problems associated with proprietary Microsoft document formats and other proprietary Microsoft technologies. Since much our department relies on non-Microsoft operating systems on faculty desktops, communication with my colleagues or department staff is hindered each time someone with Microsoft Word sends a document by email. Furthermore, my research often requires me to find documents on the web, and occasionally web sites that have information I need use Microsoft technologies that restrict or completely block my access to that information. These technologies are kept secret by Microsoft as part of their monopoly maintenance; the formats change often and are not officially documented, making the creation of interoperable or competing products needlessly difficult. Any proposed final judgment should address this artificial barrier to communication and interoperability that Microsoft has used, and continues to use, to maintain their positions in various markets. Furthermore, any interoperability information should not be restricted to creating products that run on Microsoft operating systems, as the current PFJ does not encourage this cooperation.

Furthermore, Microsoft has a history of intentionally introducing incompatibilities to discourage the use of non-Microsoft operating systems. See the following link for more information: http://www.kegel.com/remedy/remedy2.html#caldera Any acceptable remedy should prevent Microsoft from creating such artificial incompatibilities with future products. The current PFJ does not do this, and for that reason it is unacceptable.

While the current PFJ does create an oversight committee with the technical background to judge Microsoft's conduct, it does not spell out effective methods of enforcement when Microsoft breaks the terms of the settlement, and the prevailing opinion is that the legal system would be the only recourse for dealing with violations. However, in a market as fluid and swift as that of computers and software, any acceptable remedy should include a streamlined procedure for judging alleged violations and imposing penalties. While these are not the only weaknesses of the current PFJ, they are some of the most important. I am hopeful that the Department of Justice will work to formulate a new settlement that has stronger penalties for the actions for which Microsoft has already been found guilty as well as stronger measures to prevent Microsoft from taking future anticompetitive actions. If you have questions or require clarification of any statements I've made in this letter, please contact me via phone or email. My contact information can be found at the bottom of this letter.

Regards,
John V. Matthews, III

Matt Matthews \ ph: 919.660.2811 \ Use GNU/Linux —o) w00t

Duke Univ., Postdoc\
jvmatthe@math.duke.edu
\———————————— /\\

Dept. of Mathematics\ http://www.math.duke.edu/jvmatthe/ \ —\—V

MTC–00026272

From:
To:
Date:
Subject:
Brad Borland
Microsoft ATR
1/26/02 5:09pm
Microsoft Settlement
Please see attachment
10831 Valmay Avenue NW
Seattle, WA 98177–5336
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It disappoints me that the government has in the past chosen to harass a company like Microsoft. Microsoft has added such a great economic contribution to this country. The contribution extends from Washington State all the way to Washington, DC Microsoft is a core holding of most company retirement plans, 401Ks, IRAs and mutual funds throughout America. Therefore it is in the best interests of almost every American to get this case settled. In order to settle this issue Microsoft has agreed to many terms. It has agreed to design future versions of Windows to be more compatible with non-Microsoft software. It has also agreed to change several aspects of the way it does business with computer makers. Microsoft did not get off easy, there are pages of terms agreed to in addition to these two. Microsoft needs to be able to get back to business. This suit has bogged down the company for over three years now. For the good of American's everywhere I urge you to accept the Microsoft antitrust settlement.

Respectfully
J.Bradford Borland

MTC–00026272—0002

MTC–00026273

From: JOB3313@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 5:07pm
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,
RYAN VANDERHEIDE
3369 DANIEL ST
NEWBURY PARK, CA 91320–5015

MTC–00026274

From: Liza Gabriel Ravenheart
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse;

This settlement is not in the best interests of consumers here in the US or anywhere. It is not in the interest of our personal autonomies and freedoms. Microsoft must have platforms that are compatible with unix and others that may develop. Diversity and democracy are inseparable. If Microsoft Corporation cannot cooperate with its competitors, then it is not a good corporate citizen of the United States or of the Global community.

Please reconsider this settlement which I feel will substantially destroy the autonomy of people world wide.

Sincerely,
Elizabeth Braude
10266 Old Redwood Hwy
Penngrove, CA 94951

MTC–00026275

From: Jeanne C Delaney
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement

Let's get this Microsoft ordeal over with as soon as possible. It is to blame for much of the economic distress in the USA. The only ones profiting from it are the lawyers. Let's get the USA back to business now!

J. C. Delaney

MTC–00026276

From: Benjamin Grossmann
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement

I would like to take this opportunity to state that I feel Microsoft should NOT be let off lightly in this antitrust case. They have demonstrated repeatedly that they are capable of abusing their power as a monopoly by stifling competition and crushing the very innovation that created this entire technology revolution.

Thank you.

Ben Grossmann

MTC–00026277

From: Denniston
To: Microsoft ATR
Date: 1/26/02 5:17pm
Subject: Microsoft Settlement
Susan Denniston
4731 117th Place NE
Kirkland, WA 98033
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It greatly disturbs me that Microsoft's opponents are currently seeking to overturn the settlement that has been proposed and bring further litigation against Microsoft. I do not believe that this is either necessary or wise. Not only would additional federal action be painfully redundant, it would also negatively impact the economy, the computer industry, and ultimately the consumer.

The settlement seems fair enough to both Microsoft and its competitors. For one thing, Microsoft is allowed to remain intact, but its competitors have had the playing field leveled for them. So operations at Microsoft will continue with several restrictions and changes, but the normalcy that will remain in Microsoft's operations will not hinder or harm the progress of competitors. For example, Microsoft will refrain from entering into any contract that would require a third party to distribute Microsoft products either exclusively or at a fixed percentage. Microsoft has also agreed to document and disclose source code from its Windows operating system for use by its competitors and to facilitate their ability to operate within the Microsoft framework. I believe this part of the agreement is extremely generous on Microsoft's part!

It is in everyone's best interest to drop the idea of continued litigation—especially in light of the ridiculous new lawsuit announced by AOL this week against Microsoft. No one will benefit in the long run from an extended suit. I urge you and your office to support the finalization of the settlement.

Sincerely,
Susan Denniston
Denniston@WinISP.net

MTC–00026278

From: robin mccoy
To: Microsoft ATR
Date: 1/26/02 5:21pm
Subject: Microsoft Settlement

Under the Tunney Act, i wish to comment on the recent proposed remedy for the anti-trust case against Microsoft as found here: http://www.usdoj.gov/atr/cases/f9400/9495.htm I feel that this proposed judgment fails to fully address the issues disclosed in the DOJ's finding of fact: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm

This judgment will not impede Microsoft from leveraging it's established monopoly in the operating system marketplace against it's competitors, and I wish to voice my dissatisfaction with this proposed settlement.

Thank You,
Michael R. McCoy

MTC–00026279

From: vick@adnc.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:25pm
Subject: microsoft case

it is time to end that waste of time. the industry needs to get out of the courts, and do software. there should be no support for those who cannot settle.

MTC–00026280

From: CTagliafer@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:26pm
Subject: Microsoft Settlement

Enough is enough. Stop harassing Microsoft.

MTC–00026281

From: Linas Muliolis
To: Microsoft ATR
Date: 1/26/02 5:26pm
Subject: The Proposed Final Judgement

Your Honor,

Please review your final judgement for Microsoft with the results being fair business practices, ethical competition, consumer choice being proctected and Microsoft ceasing monopolistic practices. I do not believe Microsoft is being fair and honest.

Linas Muliolis
CC:nolandpeebles@attbi.com@inetgw

MTC–00026282

From: puma@adnc.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:27pm
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,
LaDonna McCant-Dickey
4539 Derrick Drive
San Diego, CA 92117

MTC–00026283

From: John Hyland
To: Microsoft ATR
Date: 1/26/02 5:32pm
Subject: Microsoft Settlement

Microsoft's absurd narrow interpretation of the Tunney Act should be reason enough for punishment, but it is just another display of the arrogance with which they treat the law of this country. Make them pay mightily from their illegal profits and treat them as other monopolies have been, break them up.

We need some real competition so that consumers can have some choices.

Thank you,
John J. Hyland
Gilroy, CA

MTC–00026285

From: TKOREN1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:33pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Tedd Koren,DC
PO Box 665
Gwynedd Valley, PA 19437–0665
215–699–7906

Dear Ms. Hesse,

I would like to see true justice served in the Microsoft case that is a win-win for everyone. Too often a solution can make matters worse. I feel the following should be considered:

1. The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2. The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Sincerely,

Tedd Koren, DC

MTC–00026286

From: Sean Turner
To: Microsoft ATR,billg@microsoft.
com@inetgw,cyrusm@ha...
Date: 1/26/02 5:35pm
Subject: Microsoft Settlement

While Microsoft can be considered a monopoly, should they be punished for this? I used to be a Netscape User; then, when Internet Explorer 3 was released, I tried using it and found it to be substandard and buggy. As a result, I continued to use Netscape. Then, with Microsoft's release of IE 4, I found it to be much faster, more stable, and more feature complete then Netscape, and decided to switch browsers, not because it came bundled with my operating system, but because it was a superior program Microsoft ultimately developed a technologically superior product, is it not logical that people would then use it instead of Netscape? Should they be punished for this? Can you legally punish a company because they are successful? Microsoft integrated its browser to provide a better product for the consumer. They are in no way inhibiting Netscape's ability to accept. They in no way impede a user's ability to download Netscape and use it. Even AOL Time Warner believes IE is a superior browser. In their own AOL browser, they use the IE browser instead of Netscape. Success is not a crime.

Should they be punished for bundling their browser with Windows? Now, the browser is tightly integrated with almost all features of Windows. It is virtually impossible to separate the two. Every time you open ''My Computer,'' view a help file, open Word, boot, or even view your desktop, you are using Internet Explorer. Back when Windows 3.1 was popular, IE didn't exist, and, users used a much more cumbersome and buggy interface to navigate files. Now, instead of using 2 different applications for folder browsing and web viewing, Microsoft integrated the two programs, in effect speeding up overall system performance and reliability. Furthermore, it also helps new computer users to ''get online'' without having to go through complex processes to install a browser. Now, all someone has to do is boot their computer, and they have all the software they need to connect to the internet. Should Microsoft be punished for enabling people such as my mother to effectively use a computer? If yes, then why not punish Apple? They have much the same approach. Apple controls the all the hardware used on their computers, and install Apple's own programs by default in an attempt to simplify setup for users, thus allowing the computer illiterate to use a computer without having to have a tech-savvy friend set it up for them. This strategy of simplification is used throughout the industry, why should only Microsoft be punished for it? You cannot separate Microsoft because everything is so tightly integrated, Microsoft is nothing without this integration, much like Apple is nothing without their tight integration of software and hardware. This is the direction the entire industry has taken, should we thus turn the clock back on the computer industry?

It is not the government's job to police the computer industry. Before the government tries to break up private monopolies, they should abolish their own. For example the US Postal Service was, for a long time, the only way to send mail, and thus, it had to reason to improve its services and was notoriously slow. With the advent of FedEx and UPS, the postal service has improved its service, but still is loosing market share because other carriers offer a better product. And now the government is trying to make taxpayers pay for its failure by trying to tax email. It is not the government's job to police private industry and punish companies for their success. I ask that the federal government and states drop all charges against Microsoft.

Sean Turner
Sales Representative
Rowena's Designs
15232 Stratford Court
Monte Sereno, CA 95030
Phone: (408) 395–7907
Fax: (408) 395–6923
Email: <mailto:seanturner@yahoo.com> seanturner@yahoo.com
Web: <http://www.sensability.inc.new.net/> www.sensability.inc.new.net

MTC–00026287

From: roelof ''t Hooft
To: Microsoft ATR
Date: 1/26/02 5:37pm
Subject: Microsoft Settlement

Hello,

Regarding the DOJ against Microsoft case I would like to ask you : What is going on with the settlement ? As I understand the settlement will give Microsoft more power and ways to do everything that this case was suppose to stop them from doing. Microsoft is too large and powerfull and does and still will harm the customer (in the long run) with their monopolistic practises. Stop Microsoft instead of giving them more power !!

MTC–00026288

From: Marjorie and Victor
To: Microsoft ATR
Date: 1/26/02 5:37pm
Subject: microsoft settlement

We are very much in favor of the microsoft settlement and think it will be a significant boost to the economy.

Sincerely,

Victor and Marjorie Carmody

MTC–00026290

From: Robert D. Smith
To: Microsoft ATR
Date: 1/26/02 5:38pm
Subject: Microsoft Settlement
stopmicrosoft@yahoo.com@inetgw

Honorable Judge Kollar-Kotelly,

<?xml:namespace prefix = o ns—''urn:schemas-microsoft-com:office:office''/> Hello, my name is Robert D. Smith and I am a student at Boston University. I am very much emotionally shaken by the recent settlement between the Justice Department and Microsoft (PFJ). I'd like to present my first argument. The PFJ does nothing to inhibit the activities of Microsoft as a working, fully functional monopoly through the use of its operating system (OS). My second argument is that the settlement is too ambiguous. It does not clearly and directly reprimand Microsoft for the violation of clearly defined anti-trust laws (present and past). It would be a horrid, useless example to set by allowing MS to get away with such an atrocity. Microsoft has many tactics, which are just so very sinister. The corporation is continually escaping proper justice its retaliation schemes, conniving tactics, bolting- domineering schemes, and attacks on Java. All these actions result in a lower ability of competition to reach the same marketing and commercial status as MS. This market is supposedly a ''free'' market but software standards are being monopolized even as this email is being sent. And to conclude, the PFJ provides an ineffective enforcement mechanism (balance and check) for the weak restrictions implemented on its bodies of influence.

Simply in short, I am deeply perturbed over the recent settlement. This settlement does not regulate Microsoft enough. In this

very fashion of advancement, Microsoft will simply continue its monopolistic ways of commerce. And to further clarify my argument, Microsoft is not even being reprimanded for past aggressions, which are clearly evident. The present situation is that an unfeasibly weak standard is in place. I know this simply my opinion, but I would sincerely request that you would do whatever might be suitable to overturn the settlement in review.

Sincerely,
Robert D. Smith
My Address is:
Robert D. Smith
Box 1775, 277 Babcock Street
Boston, Massachusetts 02215

Send and receive Hotmail on your mobile device: Click Here

01/29/2002 1:20 [

MTC–00026291

From: Clay Haapala
To: Microsoft ATR
Date: 1/26/02 5:45pm
Subject: Microsoft Settlement

I would like to state my opinions as being against the proposed Microsoft settlement.

The settlement does little to punish Microsoft for its actions. Worse, it does nothing to provide remedy, or to ''undo'' the results of those monopolistic actions.

My career has been affected negatively by these actions, primarily by the way that Microsoft's product positions have affected the plans of the companies that have employed me. While it is always the case that the actions of a dominant market player will affect all others in that market space, it has now been established that Microsoft has partially obtained that position through illegal practices.

Since many of these practices involved illegal influences on Microsoft's part to prevent competition to its proprietary products, protocols, and interfaces, appropriate remedies would be a mandatory publishing of these protocols and interfaces.

Jackson's ''split the company'' remedy would have accomplished this by forcing the separated parts of the company to formally communicate with each other in public ways. Yes, competitors would certainly also be part of those communications, but then, the market winner becomes the one with the best product, sales, and service.

Such publication would also be a great step forward in security. Please see Bruce Schneier's and Adam Shostack's recent article at http://www.securityfocus.com/news/315.

I'm not demanding that Microsoft be broken up, but a publication remedy is appropriate.

Thank you.

Clay Haapala <clay@haapi.mn.org> ''A generation of CS and Quake Players

GPG key 8DB9110D being drafted is a scary thought.''

2309 Archers Lane—comment seen on

Minnetonka MN 55305 Drippy's 2-Fort TFC server

952–542–9873

MTC–00026292

From: Peter Nicklin
To: Microsoft ATR
Date: 1/26/02 5:40pm
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, The Proposed Final Judgment in the case of United States vs. Microsoft does NOT remedy Microsoft's monopolistic behavior. The settlement still allows Microsoft to continue its monopoly, destroying competing products by selling equivalent Microsoft products below cost, i.e. by bundling them in the Windows Operating System at no extra charge. For example, Microsoft now distributes Windows Media Player in Windows XP for free, thus stealing market from RealNetworks'' Real Player and Apple Computer's QuickTime by using its exclusive Windows Operating System distribution channel.

The only cure for this behavior is to prevent Microsoft from:

a) Selling products below cost.

b) Using the Windows Operating System to distribute new products that compete with non-Microsoft products already established in the marketplace.

I recommend that if a non-Microsoft product has more than 20% market share, then it should be considered an ''established product'' in the marketplace, and Microsoft should not be allowed to bundle a competing product with the Windows Operating System. I also recommend that new Microsoft products that compete with established non-Microsoft products should be developed and sold by a completely independent wholly-owned Microsoft subsidiary. The subsidiary would have no more access to Microsoft APIs and other proprietary information than other companies. Further, the subsidiary would not be allowed to enter into exclusive deals with Microsoft. My recommendation for new products to be developed by a Microsoft subsidiary is a structural remedy but is much easier to implement than breaking the company up.

It would be easier to discover collusion between Microsoft and a subsidiary than by asking a 3-person technical committee to try and baby-sit Microsoft by monitoring compliance with the proposed final judgment.

Sincerely,
Peter Nicklin
SoftFrame, Inc.
P.O. Box 10067,
San Jose, CA 95157–0067.
Ph: (408)379–0171

MTC–00026294

From: Joseph D Krug
To: Microsoft ATR
Date: 1/26/02 5:43pm
Subject: Microsoft settlement

Dear Attorney General Ashcroft:

I would like to see the Microsoft case settled. I believe the government was dead wrong to sue Microsoft.

The company is not a monoply and never was. The government has wasted time and the taxpayers money on this case. It is now time for your office to correct the stupidity of the past Justice Dept. which started this case. I due believe since 9–11–01 the entire federal government has more important issuses to deal with. I have complete confidence your office will resolve this case quickly.

Sincerely,
Joseph D Krug

MTC–00026295

From: thvreela@fuse.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:41pm
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,
Thomas Vreeland
126 Calumet Ct
Crestview Hills, KY 41017

MTC–00026296

From: Meus1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:45pm
Subject: MICROSOFT SETTLEMENT

Dear Sir:

I keep reading about all these lawsuits against Microsoft. It appears to me that we have reached the stage in this country that we punish success. We seem to be doing all in our power to promote mediocrity. If AOL or anyone else has a problem with the way Microsoft operates, let them develop a better system. Thus the market place will automatically trend to the better system. This is what has happened with Microsoft. They have single handily opened up the world of computers to the lay person (and there are so many of us).

With all the mergers that the government has allowed, it appears almost on the trend of hypocrisy to keep attacking Microsoft. What other companies'' R& Ds could not accomplish, they are requesting the courts to do for them. We are a capitalistic country and thus the most wealthy country in the world. Let us not squash our aggressiveness and the desire to excel and succeed, which is what has made us great! With all these lawsuits, Microsoft has had to spend millions of dollars defending itself rather than spending these millions on furthering their R&D.

What may we all have lost?

In addition, how many millions has the government spent to prosecute Microsoft. These monies would have been better spent fighting drug trafficking, etc.

Don't we have anything better to do than to attack one of this world's most creative company?

I humbly submit the above for your consideration.

Sherman A. Rothberg
Bellmore, NY
CC:msfin@microsoft. com@inetgw,Meus1@aol.com@inetgw

MTC–00026297

From: Don Kitchen
To: Microsoft ATR
Date: 1/26/02 6:49pm
Subject: Microsoft Settlement

To whom it may concern

I am a senior systems engineer with a Fortune 500 consulting firm. I have a bachelors degree in computer science and am nearing completion in a master's degree in CS with an emphasis on operating systems. I am writing to voice my opinion on the proposed Microsoft settlement.

I am appalled at the degree to which the Justice department is neglecting the interests of consumers. Microsoft is a powerful company that has been found guilty of illegally extending and maintaining monopoly power. But proposed is basically no penalty to punish for ill-gotten gains. Does no one remember this is the second time around, and that Microsoft previously obtained a consent decree? It was so generous that Microsoft's stock immediately rose. In fact, I would say that the only reason that the case this time around awkwardly centered on browsers is that in the previous agreement, nobody thought to grant Microsoft a loophole to stifle competition in that area.

Those who suppose there has been little harm to the consumer ignore the realities of the computer industry. While costs in every other area go down, the software costs rise, especially when taken as a percentage of the whole system. Also, harm occurs in other ways; witness the recent Microsoft scheme to punish those who do not upgrade immediately to each new product, by eliminating ''discounts''. Microsoft's very profitability is evidence of their monopoly power. One might say that their investments and spare cash provide a good measure of how large to make the penalty. Microsoft attributes their success to innovation. However, this neglects that the innovators were all with companies taken over by Microsoft's might. This also neglects the innovators stifled by Microsoft, whose monopoly position allows them great leverage against any competing technology. The way they have bundled the browser is just an obvious occurrence of standard practice. There is a joke that if someone made a new chair, Microsoft would innovate Microsoft Chair, and out of desire to provide their customers with everything they need, ship it with their operating system, with mysterious incompatibilities if anyone tried to sit in another brand chair while at their computer.

If allowed to continue leveraging one product to solidify the position of the next, the future of competition looks bleak. Microsoft has promoted its Office suite, web browser, and web server products to prominence based on the strength of its operating system. Since these products are available only for Microsoft's operating system, they in turn reinforce the original monopoly. In the office suite area, it's difficult for competitors to be fully compatible because of changes in the file formats. As a part of the penalties against Microsoft, it should be mandated that all file formats and API's used be fully documented publicly. And unlike the errors in Section III(J)(2) there should be no loopholes to prevent disclosure to not-for-profit groups. Microsoft has abused its own discretion too many times to suppose they will not do it again.

Additionally, in recent years Microsoft has formulated its strategy for internet monopolies beyond the browser, which they will fortify with their existing monopolies. Chief among them are the Windows Media player and .NET. These should be addressed in the settlement, preferably by splitting them to individual companies forbidden to sign exclusive contracts, or Microsoft should be mandated to maintain full functionality on their top two competing operating systems (namely MacOS and Linux). In the area of streaming media, already Microsoft is pushing the innovators out of the field in favor of their own Windows Media player, which limits consumer choice because of course it is available only for Microsoft platforms. The .NET scheme is especially designed to place a single entity as an essential element of any transaction that occurs. This transition is not one that occurs as a result of natural market forces, but rather one that can only be leveraged in by an existing monopoly, for the sole purpose of extending the monopoly. Yet the Department of Justice appears more interested in retreating with honor at the expense of consumer choice. Another ignored consumer harm that has occurred is that Microsoft's products have gaping security holes. Yet they appear to be immune from product liability concerns. In fact, previous shortcomings only serve as inducement for consumers to purchase the next ''new and improved'' product. In other markets, product liability enforcement would force the vendor to reimburse consumers. Not so in this market. Recall the billions of dollars lost in such occurrences as ''I love you'', ''code red'', ''nimda'', and other embarrassments. Instead, consumers bear the cost. No doubt consumers will continue to bear the cost in the newest product cycle, with ''Universal Plug & Play'' starting off the new list of security problems; even the ''solution'' of continual updating only serves to bind consumers more tightly to the monopoly provider.

There are some who say that Microsoft should be rewarded because as a highly successful company they do much good for the economy. While it is true that as a monopoly they have been very successful at maintaining their monopoly, this theory ignores the fact that their income is someone else's expenses. By the same standards, we might laud Ponzi and Enron for the success of their efforts to extract monies from others, if large incomes are so good for a strong economy.

I plead for the current ''surrender to Microsoft'' to be rejected.

Thank you
Don Kitchen

MTC–00026298

From: virtual
To: Microsoft ATR
Date: 1/26/02 5:46pm
Subject: Microsoft Settlement

I am against allowing Microsoft to continue to wield it's virtual monopoly to stifle competing software innovation. The DOJ/Microsoft settlement is, in my opinion, an insufficient remedy.

Sincerely,
Al Dorsa
Box 223761
Christiansted, VI 00822

MTC–00026299

From: billmueller@pobox. com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:48pm
Subject: Microsoft Settlement

Dear Madam/Sir,

While I do believe that Microsoft often abuses it's position as industry leader in software operating systems to reduce competition, I am not convinced that a harsh penalty is in the best interest of justice or the software industry. Certainly, all of the companies that are urging harsh penalties are or have been, to some extent, guilty of similar practices. Remember that this ruling will set an important precedent which will shape the future of the software industry.

I ask only that you deliver a judgement that causes Microsft some financial pain while at the same time clearly putting this whole thing behind us so that the software industry and the economy can recover.

Regards,
Bill Mueller
CC:billmueller@pobox.com@inetgw

MTC–00026300

From: ken@perth.fpcc.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:49pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to state that it is my belief that the proposed settlement will not achieve its objective of restoring competition back into the software market, nor I fear will it stem the illegal practices of Microsoft.

Although I have many concerns about the proposed settlement, it is sections III.D, III.J.1,2 that concern me the most. Microsoft has publicly stated that their strongest competition is from the Linux operating system, yet these sections would actually protect Microsoft from competition from such non-profit, volunteer organizations. It is my belief at this point that the only hope of real competition will be from these groups. For a settlement to be acceptable, Microsoft cannot be allowed to discriminate against such groups by not disclosing its APIs to them. I therefore kindly ask you to reject this proposal.

Sincerely,
Kenneth Blake

Sunnyvale, CA

My background: Software developer working since receiving M.S. in 1982.

Currently employed at PTC, one of the larger software companies, which sells its products on both unix and Windows platforms.

MTC–00026301

From: Dave Quick
To: Microsoft ATR
Date: 1/26/02 5:48pm
Subject: Microsoft Settlement

The terms of the settlement are tough, and I believe they are reasonable and fair to all parties, and meet— or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Dave Quick
New Albany, OH

MTC–00026302

From: Phillip Bivens
To: Microsoft ATR
Date: 1/26/02 5:49pm
Subject: Microsoft Settlement

Please reconsider the current settlement as defined between Microsoft and the U.S. DOJ. The DOJ gave up way to much to Microsoft in an effort to spur the economy. The current settlement gives Microsoft complete control of the PC industry and now makes it legal for them to squash the competition. This makes no sense to me as a consumer! If this settlement is approved as stated, what will stop GM or Ford from trying to do the same thing as Microsoft? What will stop General Electric from extending its domain? The government of the U.S.A. is supposed to be for the people and by the people as defined in the Preamble of the Constitution. When did this change to for the ''corporations'' and by the ''corporations''? As defined the settlement is a disgrace on the judicial system.

Regards,
Phillip Bivens
Naperville, IL USA

MTC–00026303

From: Steven Young
To: Microsoft ATR
Date: 1/26/02 5:52pm
Subject: Opinion on Microsoft Settlement

Gentlemen:

Why did you give up on this case? The ''settlement'' is more like a surrender. With all due respect, one is forced to ask whether someone in Washington is afraid, or was bought off, or simply became conviced of the futility of fighting these people's criminally amassed wealth. We'll all suffer for it.

Why am I bothering to write?

Steven G. Young
Menlo Park, CA

MTC–00026304

From: mpmwxyz@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:50pm
Subject: I support any action possible against Microsoft. My first computer was an Imac and I wanted to use N

I support any action possible against Microsoft. My first computer was an Imac and I wanted to use Netscape as my browser, but the computer was set up for Explorer. It took hours of work to get things set up for Netscape. A less tenacious person would have given up and settled for Explorer. Microsoft had an unfair advantage in my opinion. Thank you for your efforts.

Sincerely,
Marilyn Wolf

MTC–00026305

From: Ed Detmer
To: Microsoft ATR
Date: 1/26/02 5:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a long term personal user of Microsoft products, as well as the decision maker for a $200,000,000 dollar business concerning software and operating systems. After exhaustive totally unbiased research we have chosen Microsoft over other companies for our business needs and of our own free will. We do not need or want the federal or state governments playing any role, which would interfere with the free market and our free choice. Take the settlement as proposed and agreed by the US Dept of Justice and the 9 states. Government meddling in free enterprise is very seldom beneficial to the consumer or to the economy. Get the federal and state governments out of this litigation as quickly as possible.

Thank you for taking the time to consider the opinion of a non-government person, with absolutely no bias due to political contributions.

Ed Detmer
V P Corporate Dev
Reeb Millwork Corporation

MTC–00026306

From: Paul Caprioli
To: Microsoft ATR
Date: 1/26/02 5:51pm
Subject: Microsoft Settlement

I urge the judge to reject the Microsoft settlement. Real, substantial, enforceable penalties are needed to curb the Microsoft monopoly's unethical and anticompetitive business practices. As a consumer, the lack of acceptable alternatives to Microsoft's shoddy software is causing me significant trouble and inconvenience.

Regards,
Paul Caprioli
Mountain View, CA

MTC–00026307

From: reynolds558@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:50pm
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,
john ohare
64 second st
waterford, NY 12188–2419

MTC–00026308

From: Andrew S. Gardner
To: Microsoft ATR
Date: 1/26/02 5:55pm
Subject: Microsoft Settlement

To whom it may concern, Pursuant to the Tunney Act I am writing you to comment on the proposed settlement in the Microsoft anti-trust litigation. The proposed settlement is inadequate. The settlement creates the appearance of regulatory action to curtail Microsoft's behavior, but it is only the appearance.

Consider the example of AT&T. At the time that AT&T was first laying the copper cable to permit long distance phone service in the US, the cost of doing so was extraordinary. If AT&T had been forced to split the then small market for interstate and intrastate long distance, the cost of providing the service would have been far greater than any potential revenue. Seeking to first serve the interests of American citizens, government on all levels sanctioned AT&T's monopolistic position in the market, and permitted AT&T to use its monopoly position to maintain market stability.

At the time the AT&T anti-trust action began, the market conditions that necesitated permitting monopolistic behavior and its mandatory side effects had disappeared. Seeking again to protect the interests of American citizens, the federal government began the process of permitting competition in the local, interlata, and interstate call markets. The fruits of that action, while certainly detrimental to AT&T at the time, can be seen in the plethora of long distance service providers and the dramatic reduction in the prices of those services.

It could be argued that at the time of the birth of the computer industry that it was in the best interests of the industry for its resources to be concentrated. Without regulation or other federal action, Microsoft concentrated and then abused its power, which is, of course, a question of law answered in this case's judgment.

I believe that the current settlement demonstrates the belief that Microsoft's case is fundamentally different from the case of AT&T. I would argue that they are identical. AT&T provided a service that most Americans consider nearly fundamental. The case against AT&T demonstrated that as much as we might admire or appreciate the products or people of a particular company, the remedies we seek in anti-trust actions must actually remedy the situation. First, the proposed remedy sets a dangerous precedent about the regulation of the software industry.

Because no case exists in a vacuum, we must consider the fact that the

implementation of behavioral remedies on Microsoft necessitates the construction of governmental oversight of the software industry as a whole, which has grown incredibly without government interference. We must also consider the precedent we set in beginning the regulation of the software industry. Second, the proposed remedy does not actually remedy the situation. At its most fundamental level, the case against Microsoft as brought by the Justice Department alleged that Microsoft leveraged its position in adjacent but not coincident fields of computing to systematically destroy its competition. Behavioral requirements on Microsoft do no remedy Microsoft's ability to control the industry. Consider the ''behavior modification'' approach in the AT&T case. Had AT&T not be forced to divest itself of its local carriers and been forced to permit competition in long distance, we would not have competitive local or long distance service. While AT&T might have been a cuddly 800 pound gorilla, it still would be an 800 pound gorilla. To assume that any remedy that does not seperate distinct business units within Microsoft into seperate corporate entities with requirments about lowering the barriers to entry of competitors is foolish.

Thank you for your time,
Andrew Gardner
Andrew S. Gardner
andrew@lanefour.org
520–990–5953—Tucson, AZ

MTC–00026309

From: list(u)7531 at Hotmail
To: Microsoft ATR
Date: 1/26/02 5:56pm
Subject: Microsoft Settlement

Hi,

Microsoft Media Player—

http://www.microsoft.com/windows/windowsmedia/download/default.asp This product is a clear example of Microsoft abusing its monopoly in the software market. In order to access the ''MSN Music Radio player'' on http://music.msn.com, you need to have version 7 of the Media Player program. However, as you can see from the web page above, they offer the following:

version 6.4 for Windows 95 and NT4
version 6.3 for Solaris nothing for Linux

Considering that Microsoft are expanding into the on-line media business, they clearly abuse their monopoly of Windows OS's against vendors of other Operating System software, and users of older Microsoft products. In order to resolve this, please try to ensure that Microsoft are required to provide identical versions of their software for other systems. On a similar basis, should Microsoft be required to ''port'' their various programs such as SQL server and the ''.NET'' server software to other platforms to allow fair competition?

I hope you are able to ensure that these issues are covered by the

Anti-trust settlement.

Thanks,
Adrian

MTC–00026310

From: Mark Beumeler
To: Microsoft ATR
Date: 1/26/02 5:57pm
Subject: Microsoft Settlement

Dear Sirs

The proposed settlement is bad idea.

It does not address the findings of fact. Microsoft is a criminal monopolist. Please consider that the innovation that has been inhibited by Microsoft dwarfs by several thousand fold the puny cost of punishing and restricting Microsoft from all their predatory practices. Your job is to definitively restrict Microsoft from the possibility of monopolistic practices, and punish them in excess of their rewards.

Regards,
Wayne Beumeler

MTC–00026311

From: MIKEASWEYD@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:58pm
Subject: (no subject)
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to see the settlement reached between your office and Microsoft in their lengthy antitrust case approved as quickly as possible. To me, the suit is a case of sour grapes, propelled by competitors envious of Microsoft's ability to produce and sell ''better mousetraps''.

The terms of the settlement will allow the case to end on amicable terms. Microsoft is making significant concessions in the way it distributes its products to manufacturers and the public, and it is taking unprecedented steps in allowing rival companies to learn internal Windows program codes. Microsoft is being more than generous in its efforts to resolve the case. Right now, the Justice Department has more important things to tackle. To free your office's resources to properly prosecute Johnny ben Walker and investigate the Enron fiasco, I urge you to settle the antitrust case without additional delay.

Thank you for your attention to this matter.

Sincerely,
Michael A. Sweyd
3441 Colorado Avenue
Turlock, CA 95382–8111
(209) 669–0415

MTC–00026312

From: TERESA GOODRUM
To: Microsoft ATR
Date: 1/26/02 5:58pm
Subject: Microsoft Settlement

Dear Parties, If the break up of Microsoft would do for the computer industry what the break up of the Bell System has done for the telephony industry I say leave it intact. I understand that the reason that the Department of Justice becoming so deeply involved is to protect the American consumer and all the businesses that are involved with computer software and hardware but why do you not believe that we are capable of making our own choices. AT&T was once an industry giant and had a vast well of designers, engineers, infrastructure, research and development as well as technicians, representatives and operators. Now they are so minor of a player in their original core industry that they have become pitiful. And as more of their offshoots combine back into larger players than they were to be allowed and the ''regional'' competitors are falling by the wayside through mergers and bancruptcy procedures how can you not see that the same thing may befall the improved version of Microsoft that you think we need to have. All consumers and investors would once again see tremendous potential again elude them and be left buying part A from one division and compatible part B from another division.

Let the public decide and leave Microsoft intact.

Thank you for your time.
Teresa R Goodrum
14979 W Vera Cruz Ct
New Berlin, WI 53151

MTC–00026313

From: Rick Roehrig
To: Microsoft ATR
Date: 1/26/02 6:00pm
Subject: Microsoft Settlement

I wish to add my objection to the proposed settlement of US v Microsoft. The terms of the settlement would neither punish Microsoft for its illegal actions as a monopoly, nor prevent Microsoft from continuing these illegal actions in the future.

Richard Roehrig
Pensacola, FL

MTC–00026314

From: Bill
To: Microsoft ATR
Date: 1/26/02 6:02pm
Subject: Microsoft Settlement

I have followed the issues surrounding the MicroSoft anti-trust suit and related information since the early 90's. I feel that this company, MicroSoft, has long been allowed to terrorize the entire computer/electronic industry. This has to be stopped! There has to be limits on what one powerful company can do to bend the will of independent manufacturers and citizens. MS seems to use every legal trick in the book to prevent competition with their software. Classifying the license agreements, as to how OEM's can install boot-loaders on systems that they manufacture and sell, as intellectual property is absurd. Altering commodity protocols for the benefit of locking users to their software is absurd! Restricting an OEM as to how and when they can sell a naked PC is absurd. I do not use Windows! When I purchased my most recent PC, that was destined to run Linux exclusively, I was forced to also purchase Windows 98SE. I did not even receive a usable version of Win98, if I was to ever choose to use that software. I instead received a recovery disk which is mostly worthless. People call it the MicroSoft tax. I can not think of a more appropriate term!

MicroSoft, in my opinion, is the worst kind of monopolizing threat to global Internet stability. They repeatedly use market share to crush competition and options, forcing their average quality and usually flawed software on the masses. If Microsoft is allowed to

continue unrestrained, I think this will have a long term, devastating effect on both the global economy and security of the Internet. An electric power provider would never be allowed to manipulate, with embrace and extend tactics, secret/proprietary electricity that only worked with their devices. Nor would they be allowed to slowly corrupt that moving standard to eliminate all competition. MicroSoft should not be allowed to do the exact same thing with computers, electronic technology and the Internet.

MicroSoft must be restrained and controlled as they have proven time and time again that they cannot act responsibly! They do not innovate, they destroy and rename the lack of options innovation!!!!

Best Regards,
Bill

MTC–00026315

From: Sharlene Shannon
To: Microsoft Settlement
Date: 1/26/02 5:58pm
Subject: Microsoft Settlement
Sharlene Shannon
32056 Pacific Coast Hwy.
Malibu, CA 90265
January 26, 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.

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,
Sharlene Shannon

MTC–00026316

From: LavadaB1948@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:07pm
Subject: Microsoft Settlement
76TH STREET
LUBBOCK, TX 79424
January 26, 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. The government has unfairly targeted Microsoft and punishing them for rising to the top of their industry. Simply because Microsoft built a better mousetrap and reaped the rewards does not mean that they have broken any laws. This is a case of government over regulation, not hurt consumers.

A settlement has been reached and the terms are fair. Microsoft has agreed to design future versions of Windows to be more compatible with non-Microsoft products. Microsoft has also agreed to several changes in the way they do business with computer makers. Microsoft has agreed to many concessions. It is time that the government accepts the settlement and moves on. Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. Please allow Microsoft to get back to business as usual, accept the Microsoft antitrust settlement Why punish Microsoft for achieving the American dream by starting from scratch and building such a State of the Art product? Everyone has the same opportunity.

Sincerely,
Lavada Burdett
CC:fin@mobilizationoffice.com@inetgw

MTC–00026317

From: douglasross
To: Microsoft ATR
Date: 1/26/02 6:12pm
Subject: Microsoft settlement
16 Fort Street
Springfield, MA 01103–1208
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of the Department of Justice's decision to settle the Microsoft antitrust case. The case has dragged on for long enough. Obviously, Microsoft has the resources to continue the litigation for an extended period of time. I would rather see the taxpayers'' money spent on other endeavors.

I do not believe the government fully understood the technological issues involved in this suit. The Department of Justice's position was comprised by this lack of understanding. Given this disparity, the best course of action is settlement. The terms of the settlement agreement appear reasonable enough. For example, Microsoft has agreed to allow computer makers and consumers to replace features of Microsoft software with that of Microsoft's competitors. This will result in opening up the competition. The reality of the situation is that we live in a Microsoft world. The settlement provides mechanisms for Microsoft's competitors to compete in this world. Microsoft's agreement to disclose interfaces that are internal to the Windows operating system products will also achieve this end.

I support the DOJ's efforts toward resolving this litigation.

Sincerely,
Douglas Ross

MTC–00026318

From: mpmwxyz@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:08pm
Subject: Microsoft Settlement

I inadvertently omitted the subject line in a previous message so am resending this to be sure it is received. I support any action possible against Microsoft. My first computer was an Imac and I wanted to use Netscape as my browser, but the computer was set up for Explorer. It took hours of work to get things set up for Netscape. A less tenacious person would have given up and settled for Explorer. Microsoft had an unfair advantage in my opinion. Thank you for your efforts.

Sincerely,
Marilyn Wolf

MTC–00026319

From: Simon Lemond
To: Microsoft ATR
Date: 1/26/02 3:10pm
Subject: MIcrosoft Settlement

I disagree with the proposed settlement with Microsoft. I think they broke the law and the remedy should be that they are forced to open their system to the applications of others. They should provide full and open disclosure of the interfaces needed to optimize applications with all of the various windows operating systems. They should have to pay back the DOJ for the costs of the lawsuit. They shouls have to put money into a fund to nurture outside development of applications, either by individuals or other corporations.

Microsoft has repeatedly engaged in illegal, unfair, and shady practices. They will continue to run roughshod over any competition unless they are restricted from doing so. I want to se Bill Gates removed from the company entirely, and their plans and strategy should be published at least six months before any new products are released.

They should be forced to deal with the security holes they have left in Windows, InternetExplorer, and Outlook. They need to close these holes or pay damages to victims. They should have to fund a group to improve security and prevent malicious hacking.

Simon Checkner

MTC–00026320

From: Casey Fleming
To: Microsoft ATR
Date: 1/26/02 6:10pm
Subject: Microsoft settlement

Gentlemen:

Comments on the proposed Microsoft antitrust settlement:

I have owned two small businesses. In both cases the software required to run the business was simply not built for the Apple or Unix-based platforms. Thus, due to the particular nature of our industry, we found the Microsoft platform the only reasonable alternative. It was expensive to buy, and expensive to maintain because of it's instability. I have bought Microsoft for years

not because I think highly of the product, but because I never had any real choice.

The extra expense reduced our ability to add staffing when it would have been very helpful, and it cut deeply into profits which could have gone to further expand the business.

In a very real way, Microsoft's predatory monopoly practices cost jobs in our community and drained investment capital away re-investment that would have benefitted both our community and our industry.

They suck resources (money and time) away from true productive labor, and harm small businesses in very tangible ways. Forget anecdotal evidence; I have no doubt that a disinterested study of small businesses would yield significant data suggesting that Microsoft's practices are costing hundreds of thousands of jobs and billions of dollars in losses every year, particularly in the small business community.

The settlement with Microsoft must guarantee that they can never again target and destroy other businesses to stifle competition. A breakup of the company seems the only reasonable alternative to those of us in the small business community that have directly suffered from their actions.

Sincerely,

Casey Fleming

Former president, Independent Property Services, Inc.

Former CEO, Loanguide.com,. Inc.

MTC–00026321

From: Jennifer Smith
To: Microsoft ATR
Date: 1/26/02 6:12pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I feel the Microsoft settlement before you has serious flaws, and I urge you to reject it. There is no provision to ensure that their anti-competitive activity won't continue. Every court has agreed that Microsoft has used its monopoly powers to reap unjust profits, yet the company is now being allowed to keep those profits. Please strike down the proposed final judgement as it fails to benefit those Microsoft has wronged—consumers like myself.

Respectfully,
Jennifer L. Smith
401 Eden Road
Apt.L–3
Lancaster, Pa. 17602
717–581–5893

MTC–00026323

From: Thelma Stevens
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 6:16pm
Subject: No subject was specified.

Microsoft Settlement:

Dear Sirs: We have studied the terms of the Microsoft settlement and believe it is fair and just.and good for our economy and our country.

We hope that you and your committee will back it fully.

Sincerely,
Thelma and Nelson Stevens
Barrington, IL 60010

MTC–00026324

From: Tom Hemmer
To: Microsoft ATR
Date: 1/26/02 6:18pm
Subject: Microsoft settlement

As a computer professional, i have seen the effects of the anti-competitive behavior caused by microsoft. numerous companies with useful and innovative products have been swallowed or ground down by the ruthless, and by the courts definition, illegal practices of microsoft. The current settlement does not go far enough in ensuring that the monopolistic practices do not continue. This settlement has led me to conclude that that the DOJ and Ashcroft are lapdogs for big business, the proposed settlement is for political purposes and that the DOJ does not care about curbing monopolies for the benefit of the consumer.

MTC–00026325

From: whas1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:18pm
Subject: Microsoft Senior settlement

Don't you think it is about time to settle this law suit and get on with business? I do. So lets get going.

William H. Adams

MTC–00026326

From: Two5alpha@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:15pm
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,
John Gaynor
8100 Ridgefield Road
Pensacola, FL 32514–6849

MTC–00026327

From: finnhero@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:17pm
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,
Mathew Saari
33114 Village 33
Camarillo, CA 93012–7212

MTC–00026328

From: Lee Lamb
To: Microsoft ATR
Date: 1/26/02 6:22pm
Subject: Microsoft Settlement

Your Honor,

I would like to register my position regarding any proposed anti trust settlement with Microsoft.

I will be brief. Microsoft thinks it is above the law. The rules of law are for the little people, not for them. They have consistently used their position to ruin competitors. When they began bundling Internet Explorer with Windows 95. It really didn't work, but because it was part of the system people who didn't know any better used it anyway. So Netscape went from being the major player to a minor player in a very short period of time. Microsoft has always used this method of attack. Bundle a product that isn't ready with windows, overwhelm a proven product, subject the user to security holes, make small improvements to the product over several years, force the competition to accept a minor role in the market, and call this innovation. This system would be tolerable if the software didn't have so many security flaws that it subjects the individual, the family, the company, the government to having it's most sensitive information at risk.

If the law is the law. Microsoft needs to be made an example of because it has flaunted its'' disregard law, the consumer, and humanity.

Thank you,
Lee Lamb
16252 Vintage Dr
Plainfield, IL 60544

MTC–00026329

From: Byles
To: Microsoft ATR
Date: 1/26/02 6:27pm
Subject: Microsoft Settlement

I urge you to accept the antitrust settlement agreed to. I feel this is a fair proposal and we need to move on!

Nancy Byles
770 Briercliff Lane
Lake Oswego, OR 97034

MTC–00026330

From: Gregory Ritts
To: Microsoft ATR
Date: 1/26/02 6:31pm

Subject: consent decree

The settlement seems like a fair, negotiated settlement. It seems that each side made some compromises, and that MS will be prevented from overreaching conduct. This settlement ought to be adopted, and the additional remedies proposed by the states and DC rejected.

Gregory Ritts

MTC–00026331

From: Natmet@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:33pm
Subject: Microsoft Settlement

I believe that it is in the interest of the American public to complete the Microsoft settlement. This company has done more for our economy than we can even comprehend, and has helped innumerable children in its various benevolent programs. It has helped me personally to enhance my computer skills to help children I have tutored.

Nadalyn M. Cotten

MTC–00026332

From: robert@sisqtel.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:26pm
Subject: Microsoft settlement

01/26/2002

Honorable U.S. District Judge Colleen Kollar-Kotelly; I am writing you to ''throw out'' the proposed Microsoft Settlement. This settlement is not in the best interest of the people of the United States. It, surely, is not in the best interest of our free market system. Thank you for allowing me to make this comment.

Sincerely,
Robert L. Hemus

MTC–00026333

From: slwinkler@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:32pm
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,
Suzanne Winkler
3404 Zircon Ln
Rockford, IL 61102

MTC–00026334

From: Tim Rain
To: Microsoft ATR, Microsoft's Freedom To Innovate Netw...
Date: 1/26/02 6:38pm
Subject: Microsoft Settlement
Original Message
From: Microsoft's Freedom To Innovate Network
To: 'rainman@okeechobee.com''
Sent: Saturday, January 26, 2002 17:12
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usoj.gov/atr/cases/ms-settle.htm

5208 Hwy, 441 N.
Okeechobee, FL 34972
January 26, 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 opinion about the recent antitrust case settlement between Microsoft and the US Department of Justice. I think the lawsuit has dragged on too long and it is time for the government to stop interfering in big business. We live in a capitalist society where free enterprise reigns.

Microsoft's competitors could not have delivered products and services at the same level as Microsoft and suffered so. Now, they are whining and spending huge amounts of money to lobby politicians and lawmakers to even the playing field. This simply is not right. Why isn't the Government getting involved with the big corporate takeovers and buy out's and especially Wal-Mart. What about the Oil company's they can do whatever they want and get the price's they want. Is this the case of Kitty in the woodpile?

The terms of the settlement will force Microsoft to give up technological secrets they have spent valuable time and money developing. It also prohibits them from entering into agreements obligating third parties to exclusively distribute Microsoft's products. This is a violation of free market principles.

Although I feel the terms of the settlement are flawed, I think implementation is the best way of serving the interests of the public. The alternative to further litigation would cost our nation too much. Thank you for your time.

Sincerely,
Tim Rain

MTC–00026335

From: Dianne Lane
To: Microsoft ATR
Date: 1/26/02 6:41pm
Subject: Microsoft Settlement

Having a Mac allows me to avoid the Windows OS. My operating system came with both Explorer and Netscape. However, when clicking a link or attachment the default goes to Explorer. This is, of course, only a tiny example of Microsoft domination. Since I try to avoid any Microsoft product and do not wish to be forced to use one, I trashed it. Unfortunately, it is impossible for most PC users to find software other than that made by Microsoft. Please make it possible to improve our computer technology by giving competition a chance.

Sincerely,
Dianne Lane
San Jose, California

MTC–00026336

From: Dan Jacobs
To: Microsoft ATR
Date: 1/26/02 6:42pm
Subject: Microsoft Settlement

To whom it may concern,

I urge you to make the terms of the Microsoft antitrust settlement broader than the proposed settlement, which I believe doesn't serve the public interest in its current form. The currently proposed settlement uses language which leaves gaping holes where predatory practices could continue to be used against competitors, simply because they compete against products that weren't specified in the settlement. The public interest would best be served by Microsoft agreeing to abandon all of its predatory practices, not just those mentioned in the proposed settlement, as well as abandoning its predatory practices against all competitors, not just those who compete with the Microsoft products mentioned in the proposed settlement.

Thank you,
Daniel E. Jacobs
3322 Cavan Dr.
St. Ann, MO 63074

MTC–00026337

From: Edward McClanahan
To: Microsoft ATR
Date: 1/26/02 6:45pm
Subject: Microsoft Settlement

I have seen many arguments arguing for and against the idea that Microsoft is a monopoly. My argument is that it acts like a monopoly, uses its market power like a monopoly, its competitors and customers fear it like a monopoly, and therefore for all

practical purposes is a monopoly. Thank you for your time.

From the outer realms of Cyberspace,
Edward McClanahan
emcclanahan@cox.net

MTC–00026338

From: Kurt Freund
To: Microsoft ATR
Date: 1/26/02 6:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is incomprehensible that the Justice Department caved in to Microsoft with a toothless settlement that will do nothing for the consumer. I can only assume that Microsoft's political contributions and lobbying had much to do with it. The company has again and again shown that it has no respect for the law, the courts, its competitors, or its customers. Judge Jackson might have made inappropriate comments based on his (quite understandable) annoyance at Microsoft, but his findings of fact are clearly correct, which was affirmed by the U.S. Court of Appeals.

I would like to comment on something that has been mentioned less often than other aspects of the case ? Microsoft's domination of productivity software with its Office suite, which contains Word (word processor), Excel (spreadsheet), Outlook (email client), PowerPoint (business presentations), Publisher (publishing), Internet Explorer (of course), and a few other tidbits. Suppose you like one of those products, such as Word. YOU CANNOT BUY IT! The only way to get any of the programs (except IE) is to buy the entire suite. And if you buy the suite to get Word, you also have the other programs, whether you like them or not. Considering the price of Office (much higher than the cost of just the word processor would be), you are unlikely to buy another spreadsheet or database program. Faced with that, how many companies are willing to invest in creating a quality competing version of any one of the suite products? Not many, as you would quickly find by doing some shopping.

Microsoft can indulge in that kind of extortion because of its monopoly of operating systems and its predatory business practices. If another company did produce a decent word processor that challenged Word, it is not hard to imagine that Word would soon be available as a separate product and at a price that no other company could match. Microsoft has stifled innovation and produced mediocre, bug-ridden, defective software for many years, and people continue to buy it because there are no reasonable alternatives. I strongly appeal to the court to reject the Justice Department's proposed settlement and impose restrictions and penalties on Microsoft that are commensurate with their offenses and that will help to create true competition in the software market.

Thank you.
Kurt Freund
8240 Rhoda Avenue
Dublin, CA 94568–1004
Phone: 925–829–6284
Email: durf@attbi.com

MTC–00026339

From: Ellen Vande Kieft
To: Microsoft ATR
Date: 1/26/02 6:47pm
Subject: Microsoft

I have grown to really enjoy my computer and the ability to get all sorts of information about the whole wide world. But the reason I could do so was due to Microsoft and their fantastic software. If I had to install each feature by myself, I could never do so as I am not a ''techie''. What are all the competitors of Microsoft screaming about, they are complaining because they have failed to come up with a better product and are looking to the government to fight their battle for them. Please allow Microsoft to continue to innovate so that the consumers like me can continue to benefit.

AOL is seeing green at Microsoft's cash and wants the DOL to help them get a share.

Ellen Vandekieft
San Mateo, Ca 94403
CC:MSFIN@microsoft.com@inetgw

MTC–00026340

From: Roger Stewart
To: Microsoft ATR
Date: 1/26/02 6:47pm
Subject: Microsoft settlement comments

I write to complain regarding the DoJ's dangerously cynical sellout of the American people.

The DoJ's toothless settlement snatches defeat from the jaws of victory by shortselling the merits on many counts. Among the many sad weaknesses is API sharing, which is a great idea, but is badly designed. Gaining access to the APIs is made far too difficult and is then rendered nearly worthless by requiring sharing of the finished code with Microsoft. The anti-non-profit language in Section III(J)(2) wipes out Linux and many other OSes competing with Windows. The anti-government language there is also unforgivable. The settlement does not begin to account for the damage done to competitors like Apple.

There are countless more fatal errors with the settlement. Please withdraw it.

Roger Stewart
2403 Greenlee Dr
Austin TX 78703

MTC–00026341

From: JOTHEDY@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:50pm
Subject: Microsoft Settlement

ENOUGH IS ENOUGH

I am a subscriber of AOL but do not agree with them or anyone else that is inclined to make Microsoft the scapegoat for all the problems that face the industry in regard to competition. Where would the industry be now if Microsoft never existed? While AOL charges Microsoft with ''anticompetitive conduct,'' it has fought the efforts of Microsoft in the improvement of instant messaging. Which is a big inconvenience to anyone using the Internet for correspondence. This is only a way that AOL uses its anticompetitive conduct.

I am asking for your help in throwing out AOL's recent litigation against Microsoft.

Joyce O. Thedy

MTC–00026342

From: Helen McKay
To: Microsoft ATR
Date: 1/26/02 6:52pm
Subject: Unfair to Microsoft

I do not like what is happening with Microsoft by our governent. It seems that when young people use their brains to invest something for the good of the nation, those in charge do all they can to destroy the Young people.

Here in Memphis, Tenn. we have a level of people with their hands out to the government and it has to supply them with homes, food on their tables, their kids in child care and teenagers in College all the government expense.

Here are a couple of young people contributing to the good of everyone and the govenment comes down on them and takes away the money they have made. Doesn't the government spend enough money to care for those who will not use their brains, or work. Why does the government go after the Microsoft people. Microsoft will listen and has done what is right, but because others want on Microsoft bandwagen it is split up.

The government did that with the Telephone company, now we can't get the operator when we need service, or want to have a phone bill correct. The phone service is rotten and we have to listen to all of the mess on those automated phone. The govenment did not have the right to split up the phone company, it was a good one and people got serve. Now, we have junk pay phones that will not return the money you drop into the phone. We can't get the parties we want because of something wrong. No operators will help us because we can't get them. And the rates are high to even get long distance numbers. Why doesn't the government leave those who have the intelligence to create something good along. No, the government has to support those in Memphis who are too lazy to work. Or the city waste money on arena for basketball teams or some other white elephant us taxpayers have to buy. So not the government has gone after Microsoft to destroy them and bring into the market some more junk, like the junky phones.

Sincerely,
Ms. McKay
583 No. Merton Street
Memphis, Tenn. 38112

MTC–00026343

From: JLor7591@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:54pm
Subject: Microsoft settlement

Short but sweet: Do NOT break up Windows.

It would make the computer environment a lot less user friendly, especially for all of the Seniors in my computer beginners class.

J. C. Lawrence

MTC–00026344

From: David Sallak
To: Microsoft ATR
Date: 1/26/02 6:56pm
Subject: Microsoft Settlement

Hello, I am writing to voice my concern regarding the settlement of the lawsuit by the Federal Government of the United States and nine individual States against Microsoft

Corp. Among the many flaws contained in the settlement, I will focus on one ? the creation of an oversight group to ensure that Microsoft no longer violates procedures for which it has been found guilty. This oversight group has no enforcement capability. All they are empowered to do is to point out that if Microsoft has violated one or more of the conditions of the settlement, then this will be brought to the attention of the U.S. Justice Department for review. And what, file ANOTHER lawsuit? This one has already taken more than three years, so Microsoft has incentive to violate conditions of this settlement ? competition can be eliminated via Microsoft1s predatory approach to the consumer and business markets, well before any future litigation has an opportunity to stop Microsoft1s actions in time to save consumers any monetary losses due to lack of competition, or save business competitors from extinction due to Microsoft1s chokehold on their Windows platform.

Microsoft should be bound to terms of an agreement that enables the oversight group to enforce monetary penalties upon Microsoft, payable to the Federal Government and participating States, if Microsoft breaks any terms of this agreement. No other form of penalty is understood by Microsoft ? they are too big to appreciate any penalty other than financial.

You are spending my tax dollars to prevent future anti-competitive behavior by Microsoft, a company found GUILTY of breaking the laws of the Sherman AntiTrust Act by the Federal Government of the United States. Enforce this law to its limits.

Thank you,
David Sallak
President, SNS Corporation
Villa Park, IL
630–567–0984
david@sallak.com

MTC–00026345

From: J. Harrison
To: Microsoft ATR
Date: 1/26/02 6:22pm
Subject: Microsoft Settlement

Hello,

My name is Jeffrey Harrison and I run a company called 23 Skidoo, Inc. Up until recently my company focused entirely on web development. Recently we have changed into other markets but as a web developer I have had to deal with the constant borage of crap from Microsoft and the biddings of Bill Gates. Their products rarely ever work right. Their web browser rarely ever plays by the rules and I am constantly loosing time and money because of them. As a result of their poor operating system I have abandoned their platform all together in my office. I now use Apple computers and here's something really surprising.....THEY ACTUALLY WORK, DON'T CRASH, AND I HAVE YET TO GET A VIRUS! I would constantly miss deadlines because of something Microsoft machines would decide to do at the last second. Thereby costing me a lot of money. And because of what they do I have to charge more to my customers. If they would have been playing by the rules instead of whatever they decided was in their interest development costs for thousands of companies would be much less. And I am greatly disappointed in our own justice system as of late.

Microsoft has been getting away with murder for years now. It's not fair to the public and it's not fair to small business.... which employs the majority of the United States last time I checked. You need to set an example with Microsoft. You still need to break them up. And you need to throw out Bill Gates if at all possible. He doesn't care about you.... he doesn't care about me.... and he sure as hell doesn't give a crap about the fact that he sells such a crappy product to so many people. If you let him go on he is just going to do the same things he has been doing for years now. And that is to stiffel innovation. He doesn't innovate. He steals ideas. And he crushes other companies that offer something superior before they get a chance to even come to life. They do not do anything to help the market place. If anything they have helped to destroy it. Hell..... if you take a look around you can go to hacker sites that give you a little string of code that can take down major servers around the globe that use Microsoft software. What kind of company sells such a bad product for so long w/o being penalized?. I mean.... if your car's wheels fell off once a day.... would you still drive that car? This is ridiculous. I can only wonder if you have been paid off like so many other politicians and judges that have let so much of what they do to people just slide.

I am really disappointed in what this country has become. It is a joke.... it is a travesty..... and it is just plain sad that Microsoft has been able to slip through the system of supposed checks and balances for so long without getting so much as a slap on the wrist.

BREAK MICROSOFT APART.....MAKE THEIR CODE OPEN.... WATCH THEM LIKE A HAWK....FINE THE HELL OUT OF THEM.... AND DON'T LET MICROSOFT AND BILL GATES KEEP SCREWING US ALL.

Thank you,
Jeffrey Harrison
Jeffrey Harrison
President & CEO
23 Skidoo, Inc.
http://www.23skidoo.com
445 Round Rock West Dr.
Round Rock, TX 78681
USA
Phone:512–733–2322
Fax:512–733–2321

MTC–00026346

From: Mango50@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:56pm
Subject: Microsoft settlement

Dear Sirs/MS:

As a taxpayer, Microsoft user, and as a stock holder I would like to submit my opinion that the settlement agreed to with the justice Department should be fair enough for all states. Please end the litigation.

Sincerely,
Alden G.
Cockburn, MD

MTC–00026347

From: edbar@starband.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:54pm
Subject: Support For the Microsoft Settlement

Dear Sirs:

This is to express support for final acceptance of the settlement between Microsoft, the Department of Justice, and the nine states. We urge you not to reject this settlement as any delays will not serve the interests of the American people but serve to further the causes of Microsoft's competitors who continue to choose to compete in the courts instead of the marketplace.

The American people are insulted by claims that we have been harmed by Microsoft. In truth, we have been harmed by their competitors who have stalled progress in technology and in the economy. These suits must not be allowed to continue. Before said suits, our country experienced unparalleled growth and prosperity. Our country regained its dominance in technology due to the innovation and growth of Microsoft and the many companies supporting their operating systems.

We respectfully urge you to help return our country towards prosperity by rejecting further lawsuits and further delays in acceptance of the anti-trust settlement.

Edward J. Barsano, CEO
NeuralTick, Inc.

MTC–00026348

From: Inezi@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:59pm
Subject: Microsoft Case

We support Microsoft and hope the DOJ does the same.

MTC–00026349

From: neil sullivan
To: Microsoft ATR
Date: 1/26/02 7:01pm
Subject: Microsoft Settlement
P.O.Box 925
Allyn, WA 98524
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was pleased to see the Department of Justice has made the wise decision to settle the Microsoft antitrust lawsuit. In my opinion, the DOJ was way off base in its decision to file this case. Notwithstanding this belief, I am supportive of the terms of the settlement agreement, and I looking forward to a resolution of this case. Microsoft has agreed to a variety of concessions in the interest of moving forward. They have agreed to change their business practices to quell concerns of anticompetitive behavior. They agreed to not retaliate against those who promote, distribute, or sell software that competes with Windows. They also agreed not to enforce many of their intellectual property rights.

Through the settlement agreement, Microsoft has answered the concerns about predatory business practices. Nothing more

should be done beyond the terms of the settlement agreement.

I would suggest that in the future the Government not base their lawsuits on the word of competitors and give some thought to the facts such as the user public was being well served and this special-interest litigation is sure to cost the users more in the long run.

Sincerely,
Neil J. Sullivan

MTC–00026350

From: Constance La Lena
To: Microsoft ATR
Date: 1/26/02 7:05pm
Subject: Microsoft Settlement

The Microsoft anti-trust settlement should NOT include anything that would give Microsoft more unfair advantage than they already have. The current proposal to have Microsoft provide computers and software to schools would do just that. Microsoft now does not have a big presence in schools—Apple does. What the proposed settlement would do is extend Microsoft's monopoly into the one area where it does not presently monopolize the market.

Bad decision!
Constance La Lena
laconstance@ria.net

MTC–00026351

From: Harvey G. Spencer
To: Microsoft ATR
Date: 1/26/02 7:06pm
Subject: Microsoft Settlement

Please do the reasonable thing and settle the Microsoft suits as Microsoft has proposed.

MTC–00026352

From: HermonT@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:06pm
Subject: Microsoft Settlement

Enough is Enough

I am a subscriber of AOL but do not agree with them or anyone else that is inclined to make Microsoft the scapegoat for all the problems that face the industry in regards to competition. Where would the industry be now if microsoft never exited?

While AOL charges Microsoft with ''anticompetitive conduct,'' it has fought the efforts of Microsoft to the improvement of instant messaging, which is a big inconvience to anyone using the internet for correspondence . This is only a way that AOL uses ITS anticompetitive conduct.

I am asking for your help in throwing out AOL's recent litigation against Microsoft.

Respectfully,
Hermon L. Thedy

MTC–00026353

From: deanhajr@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:07pm
Subject: Microsoft Settlement.

I have purchased Microsoft products for many years, their roducts are far superior than any other products on the market. I do not feel that they have done any wrong in this situation. They attempt to innovate and improve the PC and software industry.

Its only the those that are unable to keep pace with Microsoft that want to alter the ''playing field''. So can you tell me what the difference is that microsoft has internet explorer on some PC's and other PC's have AOL as the default. When I purchased this PC I was forced into using AOL, and I did not like it so I removed it. PS. My next upgrade will be microsoft XP.

MTC–00026354

From: Elinor Bickley
To: Microsoft Settlement U.S. Department of Justice
Date: 1/26/02 7:03pm
Subject: Microsoft Settlement
Elinor Bickley
Rt/ 11. Box 210
Santa Fe, NM 97501
January 26, 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,
Elinor M. Bickley

MTC–00026355

From: stansan@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:07pm
Subject: Microsoft Settlement

I have been a user of Windows and the IE Browser for the past three years having used Netscape prior to that.

As much as I have understood of the settlement proposed between the Department of Justice and Microsoft it seems fair and reasonable. I am satisfied that if I over paid for Windows according to the allegations of antitrust and competitor arguments it was probably a small amount, besides I have had stability of my system and automatic recovery (Win 95, 98) that give me peace of mind.

If Microsoft has been a monopoly it has been a beneficient one to me as the consumer.

Stan Rubenstein
White Plains, NY

MTC–00026356

From: Nathan Z
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: Microsoft Settlement

Please do not allow the Microsoft settlement. It will just give Microsoft more leverage and not allow companies like Apple Computer or the Open source movement headed by the Linux Operating System to ever take a respectable part of the market. Microsoft is bad for consumers and America. I, and many others believe this and hope that you take our pleads seriously. Thank you for your time.

Nathan Zamecnik

MTC–00026357

From: Keith Nasman
To: Microsoft ATR
Date: 1/26/02 7:12pm
Subject: Microsoft Antitrust/Settlement

Microsoft's predatory actions aside, additional focus needs to be on how its monopoly can stifle communication. If the dominant format for document communication is a Microsoft Word document, then so be it. The more important issue is Microsoft's control of the format. I believe all public communications formats should be open. Microsoft should be forced to open their formats to the world so that other companies or groups can write software to interact with those formats. It is an unfair use of their market dominance to allow them to stifle communications to their own advantage.

Microsoft needs more than just a pat on the hand.

Sincerely,
Keith Nasman

MTC–00026358

From: Phillip Bashor
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: microsoft settlement
7 Highland Avenue
Darien, CT 06820–4707
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute and would like to see this three-year litigation battle come to an end. I support the settlement that was reached in November as a means to end this dispute. Microsoft has agreed to all terms of this settlement. Under this agreement, Microsoft must grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows, such as Microsoft's Internet Explorer web browser, Windows Media Player and Windows Messenger. Microsoft has also agreed to disclose information about certain internal interfaces in Windows. A technical oversight

committee has been created to monitor Microsoft compliance. This settlement will serve in the best public interest. I am a believer of free enterprise and do not want to see this company punished for being successful. Thank you for your support.

Sincerely,

Phillip Bashor

MTC–00026359

From: JonKai@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: Microsoft settlement.....

Judge..... anyone who give's MSFT settlement a clean bill of health and that it follows the intent of the John V. Tunney act, after reading John V. Tunney say that MSFT's actions are ''inadequate'', would be the greatest miscarriage of justice of all time..... THIS SETTLEMENT IS POLITICALLY MOTIVATED... there is no other case that this is more clear on..... please do not mistake this settlement for any thing other than what it is..... a miscarriage of justice..... Former California Senator Accuses Microsoft By Kristi Heim, San Jose Mercury News, Calif.

Jan. 26—Microsoft's failure to disclose all its contacts with the government directly contradicts the intention of a federal law designed to prevent the influence of lobbying on antitrust settlements, the former California senator who wrote the law said Friday.

John V. Tunney, who wrote the antitrust legislation known as the Tunney Act in 1972 and is now a business executive, called Microsoft's brief disclosure of its lobbying activities ''inadequate'' in an affidavit filed with the Justice Department this week.

jon.

MTC–00026360

From: Yaakov Nemoy
To: Microsoft ATR
Date: 1/26/02 7:17pm
Subject: Microsoft Settlement

I, Yaakov Nemoy, of Fairfield CT, believe that the proposed settlement is in extreme error. You cannot deny the specific practices that Microsoft has taken, though they do not do this anymore, such as forcing computer manufacturers to install only Windows. Microsoft needs to pay for this massive amount of damage done to the computer market, and this settlement will not fully compensate for it'.

MTC–00026361

From: grandpaja@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:17pm
Subject: Tunney act is Fair and reasonable

Please vote to quash the ongoing lswsuits and attempts at lawsuit which interfere with the governments ability to end this expensive litigation

Yours John C. Allen

MTC–00026362

From: Sherry Hamilton
To: Microsoft Settlement
Date: 1/26/02 7:12pm
Subject: Microsoft Settlement
Sherry Hamilton
3195 Dayton-Xenia Rd. #900–114
Dayton, OH 45434
January 26, 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.

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,

Sherry Hamilton

MTC–00026363

From: Tom Hamilton
To: Microsoft Settlement
Date: 1/26/02 7:13pm
Subject: Microsoft Settlement
Tom Hamilton
3195 Dayton-Xenia Rd. #900–114
Dayton, OH 45434
January 26, 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. 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,

Tom Hamilton

MTC–00026364

From: Arthur J. Saulsberry
To: Microsoft ATR
Date: 1/26/02 7:20pm
Subject: Microsoft Settlement

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

MTC–00026365

From: thejokis@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:17pm
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,

Judy Joki
16222 29th Dr. SE
Mill Creek, WA 98012–7824

MTC–00026366

From: Edward Bauer
To: Microsoft ATR
Date: 1/26/02 7:20pm
Subject: Microsoft Settlement

Dear Sirs,

I feel the proposed settlement with Microsoft is fair and fulfills the finding of the court. I'm upset by the political nature of the lawsuit and the uneven application of monopoly standards to many of the parties that testified against Microsoft in this suit. I recognize these comments mean little with the judgment and settlement at hand, but I would like to record strong criticism of the people in the anti-trust group that have given many unhappy computer companies that couldn't compete a free pass. Everyone seems to forget that IBM with its OS2 operating system was the goliath trying to slay David in the original go round, and I didn't see the government screaming to level the playing field against IBM when they owned all the computer markets. Again, I hope that the DOJ begins a more reasoned and responsible approach to litigation in the future, and I hope that a judge with a modicum of commercial and technical capability hears

the case. A judge that can discern the difference between a bunch of whiners and a person with a real complaint.

Edward Bauer

MTC–00026367

From: Dick and Candy James
To: Microsoft ATR
Date: 1/26/02 7:21pm
Subject: Microsoft Settlement
January 26,2002
Attorney General Ashcroft, Justice Dept.
950 Pennsylvania Ave. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The purpose of this letter is to inform you of my support for the settlement reached between the Dept. of Justice and the Microsoft Corporation. As a retired economic development consultant, I am aware of the importance of a prompt resolution of this antitrust dispute. Since the inception of this lawsuit, comfidence in the technology industry has decreased. The enactment of the settlement, then, will increase confidence in the industry once more. In the current period of recession, I believe that the focus of the Justice Dept. should be to focus on the rebuilding of our economy, rather than the continued waste of federal resources that further litigation would necessitate.

Microsoft has been more than willing to make the concessions in an attempt to resolve this issue. Microsoft has agreed to disclose the protocols and internal interface design of the Windows system. The result of this will be that developers will now be able to develop hardware and software that is more compatible with the Windows system.

Finally, I believe that the settlement is in the best interests of our economy. Please enact the settlement with haste.

Sincerely,
Lloyd Repman
724 Walnut St.
Edmonds, Wa. 98020

MTC–00026368

From: Flash Sheridan
To: Microsoft ATR
Date: 1/26/02 7:22pm
Subject: Microsoft Settlement Re: A FINFLASH FROM THE FREEDOM TO INNOVATE
NETWORK

I'm on one of Microsoft's mailing lists, but I believe that their behavior has been both illegal and unconscionable, and that any solution short of a breakup will be, in practice, unenforceable.

MTC–00026369

From: Betty P Fischer
To: Microsoft ATR
Date: 1/26/02 7:21pm
Subject: Microsoft

My opinion is that Microsoft should not be harassed any more. Let the litigation cease. Stop the legal battle.

B. Fischer, Yuma, AZ

MTC–00026370

From: loisandbob@cconnect.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:21pm
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,
E. Lois Minnoe
220 Channel Run Drive
New Bern, NC 28562–8915

MTC–00026371

From: Green, Ira
To: Microsoft ATR
Date: 1/26/02 7:24pm
Subject: Microsoft Settlement

We strongly believe that the settlement of the suits against Microsoft be accepted by all parties NOW!!! We felt, that in the first place, the suit was improper. Further suits against Microsoft by the states are an improper use of taxpayers money. Users of software will be adversely affected. Microsoft puts out an outstanding product. Executives of Microsoft do not take exorbitant salaries as is happening in many other corporations. Our economy can not stand this continued the abuse of frivolous lawsuits.

Thanks
Ira & Wilma Green
* (310)813–3278
* <ira.green@trw.com>

MTC–00026372

From: Pedro O'Chonagaile
To: Microsoft ATR
Date: 1/26/02 7:26pm Subject'' Microsoft Settlement.

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp.

MTC–00026372—0001

Peter Connelly
2519 Dexter Avenue N Apt. C
Seattle, WA 98109
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust case, which is currently awaiting resolution in the federal courts, is verging on the ridiculous. I find it hard to believe that the Department of Justice had nothing better to do with its time and money than to pursue Microsoft for three years straight. This has gone on for long enough.

I ask you to support the proposed resolution, not because it is ideal, but because it represents the lesser of two evils. I would rather see a settlement reached now than face another extended period of useless, unwarranted litigation. Perhaps I would not be opposed to the suit continuing if there were an apparent purpose behind it; but I do not believe Microsoft has done anything to harm computer users.

The proposed settlement is, I think, sufficient response to all claims of antitrust violation. Microsoft has agreed to a wide variety of terms and conditions in the settlement, some of which extend to products and procedures that were not found to be unlawful by the Court of Appeals. Such actions demonstrate a high degree of compliance on Microsoft's part. They have made sacrifices in the interest of wrapping up the case, and I do not believe that more sacrifice should be, or can be, required under the law. Both Microsoft and its competitors are dealt with fairly and justly in the proposed settlement. Microsoft has, for example, agreed not to enter into any contracts that would require a third party to distribute Microsoft products at a fixed percentage. Microsoft has also agreed to disclose internal interfaces from the Windows operating system for use by its competitors. The Windows operating system in future versions will support non-Microsoft software, and this interface disclosure will allow Microsoft competitors to maneuver within Microsoft's operating system and to introduce their own software into Windows.

Absolutely no further action against Microsoft is necessary on the federal level. Again, I ask you and your office to support the agreement and address other issues.

Sincerely,
Peter Connelly

MTC–00026372—0002

MTC–00026373

From: Ann Randall
To: Microsoft ATR
Date: 1/26/02 7:27pm
Subject: Microsoft Settlement

I am appalled at the settlement proposed to settle the Justice Department's suit against Microsoft. It seems to me all the difficult, pricey work has already been done by the Department, and all that's left is for just about any objective judge to impose a monopoly-breaking penalty. Instead, it seems the department is ready to say: ''OK guys, we won. Just say ''nuff, and promise to do better next time.'' Meanwhile, Microsoft's arrogance continues, proving the point that they will not stop their anti-competitive practices unless forced to do so. (Examples: increased integration on XP that forces ever more use of Microsoft products; the amazing attempt to settle their dispute by further extending Microsoft influence in schools, one stronghold of Apple computers).

I worked for government many years, and we found that the only preventive measures that worked were penalties that took the profit out of noncompliance. Any penalty short of a profit-breaking penalty is simply a cost of doing business.

Ann Randall
2008 Pine St
Billings MT

MTC–00026374

From: mllawler
To: Microsoft ATR
Date: 1/26/02 7:27pm
Subject: Fw: Microsoft Settlement >
> 2008 W Falls Avenue
> Kennewick, WA 99336–3042
> (509) 735–7932 > > >
> January 23, 2002
> Attorney General John Ashcroft
> US Department of Justice,
> 950 Pennsylvania Avenue, NW
> Washington, DC 20530–0001 > >
> Dear Mr. Ashcroft: >

> I support the Department of Justice's efforts to settle the Microsoft antitrust lawsuit. Enough time and money has been spent on this case, and nothing more will be gained by continued litigation. >

> The terms of the settlement agreement are quite reasonable. Microsoft has agreed to change its business practices so it will be easier for the competition to compete with Microsoft's products. Microsoft also agreed > to document and disclose internal interfaces to its competitors. In addition Microsoft agreed not to enter into contracts, which would require third parties to exclusively sell Windows products. There is little danger that Microsoft will violate antitrust laws once the settlement is approved.

A technical review committee will be created to ensure Microsoft's compliance with the terms of the agreement. In the event concerns arise that Microsoft is not complying with the law, complaints may be lodged with the review committee for investigation. Nothing more should be required of Microsoft beyond the provisions of the settlement agreement. >

—gt; What our economy needs now is stimulation. Allowing Microsoft to get back to business will certainly help stimulate the economy. Thank you for your efforts to bring this case to a conclusion. >

> Sincerely, >
> Marie Lawler
> 2008 W. Falls Ave
Kennewick, Wa.
509–735–7932

MTC–00026375

From: David A Leidig
To: Microsoft ATR
Date: 1/26/02 7:28pm
Subject: Microsoft Settlement

Please bring this matter to the speediest conclusion and as soon as possible. The proposed remedy should be satisfactory. Further litigation is not likely to improve what has already been worked out.

Thank you for your consideration.

MTC–00026376

From: BULLPUP—11@YAHOO.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 7:26pm
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,
ROBERT LANKFORD
11901 SANTA MONICA BLVD #427
LOS ANGELES, CA 90025

MTC–00026377

From: William Maryott
To: Microsoft ATR
Date: 1/26/02 7:39pm
Subject: Microsoft Settlement

I just want to go on record as being extremely upset with Microsofts behavior and with the lack of integrity by the legal profession to put any restraints on this dishonest and powerful Corporation. I am a retired IBM Engineer and I've been involved with every version of Windows back to Version 1.0.

My computer crashes regularly and I have no alternatives but to continue using this poorly written and poorly supported code. If the operating system were separated from the applications, there would be a good chance this might get resolved. Otherwise I expect to just continue to suffer.

William R. Maryott
PO Box 1177
Freedom, CA 95019

MTC–00026378

From: Forrest L Fuller
To: Microsoft ATR
Date: 1/26/02 7:35pm
Subject: Microsoft Settlement

Nothing further is to be gained by dragging out the long Microsoft dispute any further. Accept the settlement and allow all parties to get back to work and get the economy going again. This costly battle benefits no one except the lawyers and lobbyists who are opposing a successful giant. We gain nothing by destroying what we have. accept the settlement. Forrest L. Fuller

MTC–00026379

From: Scott Ellsworth
To: Microsoft ATR
Date: 1/26/02 7:38pm
Subject: Microsoft Settlement

Hello,

My name is Scott Ellsworth. First of all I have spoken to many people about this Microsoft case. I have read literally hundreds of posts in chat forums and also spoke to many coworkers, friends and family members and they all are pretty much thinking the same thing Including my self.

This is what we are thinking:

1. Many people are puzzled about why Microsoft is allowed to give themselves their own punishment and think this is very unfair and suspicious.

2. Most of these people know that Microsoft have purposely used illegal tactics to force companies out of business to take over businesses forced people to use their operating system and their other software and have stollen Apple computers operating system and other companies software. (The latest example of all this is Microsoft saying that for their own punishment that they would donate a couple of million dollars in used Wintel based PC's and software to needy Schools. Which in actuality this would cost barely nothing for Microsoft. This clearly shows that Microsoft was trying to make inroads into Education were other companies dominate such as Apple Computer).

3. Most people DESPISE Bill Gates and Microsoft because of all this!

4. Most people believe that Microsoft controls the world and is a modern day dictator and that this is a sad reality that no one is doing anything about. (Which if you think about it is very true. Their operating system runs most of the worlds computers and most of the worlds every day businesses and home software such as Microsoft Office and Internet Explorer. All of this because of illegal tactics.

5. Most people think that Microsoft should have been split up.

6. Most people think that it is a mystery that

Microsoft weaseled it's way out of being split up and they don't know how the court system could have possibly let this happen after they were found guilty other than that Microsoft had something to do with it (This is very suspicious).

Punishment:

Microsoft should give much more BILLIONS OF DOLLARS specified by the court system to schools that need computers but let the schools decide what NEW computers and software they want which does not necessarily have to be Wintel based computers running the Microsoft Windows operating system and Microsoft software programs. (This would greatly help our school systems).

Microsoft should give Billions of dollars to help the companies that they caused to lose money, market share and other damages to.

The court system should demand that Microsoft let Apple Computer own 50—60% of Microsoft. Since this is who they stollen and continue to steal till today, their operating system and innovation from. Microsoft is one of the worlds biggest if not the biggest and richest companies in the World they should be able to afford all of this. I think this is a fair Punishment.

MTC–00026380

From: Chris Sifnotis
To: Microsoft ATR
Date: 1/26/02 7:38pm

Subject: I despise micosoft and they are just trying to horn in I despise micosoft and they are just trying to horn in on a market that it is not dominant in. I wish they were destroyed because they are ripping people off. when they charge $99/199 for an upgrade or $199/299 full software and linux viriants cost aproximately $69 and full versions of the mac os cost $129 or $69 for education something is wrong. I think the best

settlement is to take windows away from them. Make it public domain and every computer company should ship their own operating system. This would spur inovation and compitition to have the best os out there. Then each company would own the hole widget like Apple Computers. Or a smaller kick in microsofts teeth would be to donate 10 billion (they do have 35 billion in cash) in all machintosh machines and software. provide training for schools that dont currently have machines. also microsoft should pay support and upgrade for the next 10 years and to prove it has abondoned its anticompitition practices. If microsoft has not satisfactorily complied they lose the rights to windows and if they do comply another 1 billion gets spred over all of the 50 states into their education programs.

Dont let them play you for the fools. They are not friends of the people.

Chris Sifnotis

Student

MTC–00026381

From: Dunnham@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:41pm
Subject: Microsoft Settlement

Dear Department of Justice; Attorney General Ashcroft,

I am upset and dismayed at the cave in by the Justice Department in the Microsoft Antitrust Settlement.

Microsoft is clearly monopolistic and using this power, has hurt competing businesses and consumers. Including Internet Explorer in its Operating System, Windows, Microsoft damaged Netscape and it intended to damage Netscape. Internet Explorer is application software, not operating system software. Microsoft has done this with quite a few programs and has, as a result, harmed the software companies with which it competes. This is unfair business practice and must be stopped. Your settlement won't stop this behavior.

Consumers have been hurt because companies that would offer better products, won't do so if a similar product is offered by Microsoft in Windows.

When Bill Gates says he wants to compete and add value to his Windows operating system, what he is really saying and what he really means is ''Microsoft wants to restrict to market by driving competing firms out of business, thereby driving the price of Microsoft software up or at least not reducing the inflated price of the Windows system.''

The Windows XP operating system is the latest attempt to gain market share and restrict competition. The use of the Passport system and other tracking software invades the privacy of consumers and allows Microsoft to monitor the habits of consumers so that Microsoft can sell more products and direct consumers to Microsoft ''partners'' at the expense of other companies. Microsoft's restriction of the opening interface screen is an example of this behavior.

Microsoft should be fined, prohibited from adding products like Internet Explorer to the operating system and Microsoft should be broken up into 2 companies—an operating system software company and an application software company. Anything less will allow Microsoft to dominate and restrict the software and hardware market to the point where development and innovation will be slowed down and may be even stopped. This is not in the interest of the computer industry or the computing public. This will only serve Microsoft's interest of complete domination of the computer and entertainment marketplace.

Sincerely, Richard Farnham

MTC–00026382

From: Juan C Read
To: Microsoft ATR,lists@senior.org@inetgw
Date: 1/26/02 7:44pm
Subject: Microsoft Settlement

Dear Sirs of The Justice Department:

I would like to add my support for the Microsoft company fight against those who are trying to drag Microsoft down. I have used Microsoft products for years and, as a senior, have found them to be the best. If Microsoft's competitors had been as diligent as Microsoft has been in trying to help the consumer, with good products, I feel they would not have to go crying to the government to be bailed out. If a company puts out a good product and gives real consumer service then those companies would not have to worry about competitors.

Please, accept the Microsoft settlement, and stop further litigation. That useless waste of the courtroom money could be put to a much better use elsewhere.

Thank you for reading this E-mail —- I?m a strong user and supporter of Microsoft products and private enterprise.

Juan C. Read

MTC–00026383

From: olive70@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:48pm
Subject: Microsoft Settelment

I am offering my opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' I am sending my strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

MTC–00026384

From: Diane Engles
To: Microsoft ATR
Date: 1/26/02 7:49pm
Subject: Comment on Proposed Settlement

To Whom It May Concern:

I welcome the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. I am a software developer with over 17 years of industry experience. Over these years I have watched my choices of software development platforms and products decline in number and in quality, due almost entirely to the monopolistic practices of the Microsoft Corporation.

I watch daily and suffer myself as the poor quality of Micosoft's products cause American Industry to lose significant productivity due to system hangups virus infections. The current security flaws revealed in Windows XP are another example of a corporation who produces low quality products because there is no real competition. More secure and robust software exists today, but there is no real marketplace due to Microsoft's years of monopolistic practices.

In my opinion, the proposed settlement will do little to effectively curb

Microsoft and allow a true marketplace and real innovation to develop. I fully support the Kegel letter's (http://www.kegel.com/remedy/letter.html) proposed remedies to effectively remedy Microsoft's years of illegal monopolistic control of the marketplace and the resulting stifling of true innovation. I will mention two of them briefly here:

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.

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.

Sincerely,

Diane F. Engles

MTC–00026385

From: Jim Day
To: Microsoft ATR
Date: 1/26/02 7:47pm
Subject: Microsoft Settlement

As an MSN user for years I would like to make the following comments regarding the Settlement. I've had numerous opportunities to subscribe to AOl and other internet providers. My choice has been MSN because I belive I get more value from remaining with the Windows environment. Before retiring I worked on many Large mainframes, midsize and small systems utilizing proprietary operating systems (IBM, Honeywell, Burroughs, Tandem, H.P.). I was aware of the costs associated with obtaining and utilizing the associated software and when Windows came along I felt like for the first time I obtained great flexibility at a minimum cost.

If I could purchase a better operating system at a lower cost I would do it. If

someone can come up with a greater value I will purchase it. I believe that Microsoft so far has the best operating system at the lowest cost to me.

I hope the settlement is concluded as soon as possible. Those seeking monetary rewards in hope of enrichment would be better off utilizing their time and money creating a better and cheeper operating system for all users.

Hopeful user,
James M. Day
4535 Motorway Dr.
Waterford, Mi. 48328

MTC–00026386

From: Scott Blomquist
To: Microsoft ATR
Date: 1/26/02 7:54pm
Subject: Microsoft Settlement

Having been an avid complainer about Microsoft in the not so distant past, I have begun to truly value the amazing innovation that Microsoft has been bringing to the world for more than 25 years. The currently proposed Final Judgment seems to strike a fair and reasonable balance between allowing Microsoft to continue to drive innovation, and giving its competitors a fair shake at similar innovation on existing and future Microsoft platforms. Under the proposed Final Judgment, consumers will continue to benefit from the great advances by all of the brilliant minds in the software industry. I strongly support the adoption of the proposed Final Judgment in its current form.

MTC–00026387

From: Linda
To: Microsoft ATR
Date: 1/26/02 8:52pm
Subject: U.S. v. Microsoft

To Whom It May Concern:

This email responds to the request for public comments by the Court hearing the case of the US versus Microsoft as part of the penalty phase of that litigation.

Two factors ensure Microsoft's de facto monopoly of the Operating System market:

1. Most people, businesses and government entities use Microsoft operating systems and associated office products. I must communicate with them. If I cannot communicate, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it.

2. Microsoft has kept its software file formats and interfaces secret. As a result, competing software developers cannot create programs that interact with Microsoft products in a fully functional way. Thus, an overwhelming majority of computer users have no choice but to use the Microsoft OS and associated office products.

It is my belief, based on observation of Microsoft's past actions, that they now wish to extend their reach beyond the PC desktop to control networking protocols for the Internet and act as its gate keeper. This is their ''.NET'' initiative. This would have devastating consequences for the US economy and security. Microsoft has stifled innovation by its monopolistic practices.

Microsoft products are notorious for their lack of security and vulnerability to attack by the technically incompetent.

I propose these remedies:

1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help ensure that any data or documentation I create will still be available to me in the future. It will also allow others to create programs that can meaningfully compete with Microsoft products. These specifications must be publicly available and made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should also be allowed to make use of this information. I believe this is essential to ensure the long-term availability and security of my data.

2) Any Microsoft networking protocols must be published in the public domain and approved by an independent standards organization; I suggest the Institute of Electrical and Electronics Engineers (IEEE). Already I see Microsoft limiting access to web sites for users not using Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.

3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,
Linda Nusser
linda@trinidadusa.net
Trinidad, CO

MTC–00026388

From: Katrina Illari
To: Microsoft ATR
Date: 1/26/02 7:55pm
Subject: Comments on the Microsoft settlement

Dear Renata Hesse:

I am a concerned computer programmer and user. I use Microsoft Windows as well as Linux at home. For the past few years I have been disgusted to see the increasing number of anticompetitive actions that Microsoft has been able to get away with. The court case seemed to provide a possibility for restoring a competitive market in the computer software business. Microsoft was convicted with anticompetitive behavior. However, the settlement that was agreed upon does not seem to be in the best interests of the consumers.

Some points of concern are:

1) the punishment if further anticompetitive actions are taken by Microsoft. That is that 2 years will be added to the period that they are to be closely watched. I did not see any actual enforcement of the restrictions placed on Microsoft. Just that a board of people would be assigned to watch if they break any of the restrictions and if so, then they will be restricted for another 2 years. Does this provide an automatic solution to any court case filed against Microsoft in the next 5 years? That is will the solution will be that the restrictions will just be extended for another 2 years? This almost seems to be in Microsoft's favor... No enforcement and if they break the rules then the rules will be imposed (with out enforcement) for another two years.

2) The security exemption: Will this provide a hole for Microsoft? For example, will Microsoft just add access control to many of its API and then not publish them, using the security exemption as cover?

3) Will Microsoft simply patent a lot of its interfaces/protocols and then charge companies licensing fees in order to get the information about the API/protocol. I do not see anything in this settlement that would stop them from doing so. As evidence, they already patented the next version of the SMB protocol. This is a protocol which allows you to share drives/files between computers. SAMBA, a popular file server software uses this protocol to share drives between Unix and Windows machines. Once Windows only supports the new protocol, it will once again be impossible to share drives between Windows and Unix systems. As I see it this is simply an extension to the older protocol not something that it would be strategic to have a patent on except if one wanted to eliminate the ability for a Unix machine to share drives with a Windows machine. Surely this is an anticompetitive action against SAMBA.

4) The fact that Microsoft is allowed to include non operating system applications as part of the operating system is not beneficial to consumers. This gives an advantage to Microsoft in marketing of the applications that they include in the operating system. They have a strangle hold on the browser market because of this and in Windows XP, they are trying this with multimedia applications.

Katrina Illari
521 Del Medio Ave #201
Mountain View, CA 94040

MTC–00026389

From: john oakes
To: Microsoft ATR
Date: 1/26/02 7:55pm
Subject: Microsoft Settlement
CC: fin@mobilizationoffice.com@inetgw

MTC–00026389—0001

60 Sterling Street
Beacon, NY 12508
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: My business partner Jack Harrison and I are delighted to see a settlement between Microsoft and the Department of Justice. This settlement is in the best interest of free enterprise and competition.

The attack on Microsoft should never have happened. It demonstrates why the government should keep its hands out of the affairs of free enterprise. It has been another

huge waste of taxpayers'' money and government and private resources. As business partners in the direct-mail industry, we know that waste must be minimized; budgeting, purchasing, sales, all contribute to business growth and weigh heavily on success or failure.

Resolving to give Microsoft its business back will end the three years of government intervention into Microsoft. This has disrupted the computer and technical industries, where recession and the loss of business have been of paramount concern. Microsoft has continued in its role as the industry leader in providing innovative software (the public and business world have been shouting this for years). The new obligations Microsoft has agreed to will drive competition and collaboration among industries to develop better and more innovative products for consumers, while also providing computer users software options and computer configurations never before seen.

The Department of Justice is at a historical moment in time: preventing more waste while also encouraging economic recovery. The achievement of this will occur when the government precludes any further litigation against Microsoft and accepts these very fair settlement terms.

Sincerely,

John Oakes

MTC–00026390

From: Brandon A. Seltenrich
To: Microsoft ATR
Date: 1/26/02 7:50pm
Subject: Microsoft Settlement

The proposed settlement between the DOJ and Microsoft should be allowed to go through. Microsoft's competitors, mainly led by Sun, Oracle and AOL Time-Warner cloaking themselves behind various so-called non-profit groups, are in fact manipulating the American justice system for their own business desires. These companies were not able to compete against Microsoft in the business arena, so they instead hope to punish them into submission with our legal system.

The suits against Microsoft are not intended to protect and defend the average American; instead, they are designed to make wealthy a few self-interested businesses.

-B

MTC–00026391

From: addison pace
To: Microsoft ATR
Date: 1/26/02 7:53pm
Subject: Microsoft Settlement

Further litigation would be a shameless waste. Those filing against Microsoft are getting their'' pound of flesh''. Enough!

Addison Pace

MTC–00026392

From: Chris Dobbins
To: Microsoft ATR
Date: 1/26/02 7:56pm
Subject: Microsoft Settlement

Hello my name is Chris Dobbins, I'm a 17 year old living in the California Bay Area. I'm mailing you my thoughts on the proposed Microsoft Settlement.

In my view the proposed settlement is much too weak to do any good against the illegal monopoly that is Microsoft. What is needed is a strong punishment that will enable competition to flourish immediately, creating much needed diversity in the operating system market. Anything else would be down right dangerous.

Diversity is needed to protect the very infrastructure of the internet and computers in general. At this moment thousands of kids younger then me have the ability to write a simple viral program that can create havoc on the internet, spreading through well know holes in Microsoft Outlook and other Microsoft programs which are bundled with the OS. During the many e-mail virus attacks last year I had little to worry about because I use a Macintosh. My computer cannot run programs written for Windows. There are very few viruses for the Mac OS because the relatively low market share means that the cracker will not receive the attention they would get from creating a Windows virus and spreading it world wide.

If the Operating System market were more competitive then computers in general would be safer. Added diversity would not get in the way of communication either. Even though my computer is fully able to network with and talk to a computer running Windows, the differences between the two operating systems mean that it is much harder to infect both computers with the same program.

Microsoft says they are devoted to security, but only now that they are experiencing negative press because of the large amount of security holes in their software. I say it's about time we stopped trusting them with the security of computers everywhere. The Department of Justice has the means to impose strict sanctions and punishments on Microsoft, I say use that power to the fullest, before it's too late.

Thank you for taking my views into consideration,

Chris Dobbins

MTC–00026393

From: Patrick Mahaney
To: Microsoft ATR
Date: 1/26/02 7:57pm
Subject: Comments

To Whom it may concern;

I am a college student studying in the field of Computer Information Systems. The outcome of this settlement will most likely affect the industry I am headed into.

I'd like to express my feelings on a few of the shortcomings of the proposed settlement.

Firstly, the definitions of ''Middleware'' products are not very clear. From what I understand, there are a lot of loopholes in the section that would allow Microsoft to continue exercising the same business practices in the past. To be more specific, Microsoft could easily change a version number and the software would no longer be considered ''Middleware'' by the DOJ.

Secondly, another understanding that I have is that a lot of the new regulations and demands do not include Microsoft Windows XP. If this isn't included in the settlement, I don't see how beneficial it would be towards prohibiting antitrust practices.

I would like to see an outcome that will make a difference. Not one that will just temporarily prevent a monopoly.

Thank you for your time.

-Patrick Mahaney

MTC–00026394

From: John Carey
To: Microsoft ATR
Date: 1/26/02 7:57pm
Subject: Comments on Microsoft antitrust settlement

Dear Renata Hesse:

I am writing to comment on the Microsoft antitrust case settlement proposed by the U.S. Department of Justice and others. Both as a consumer and as a software engineer, it is my view that this settlement will fail to protect the public interest from Microsoft's ongoing abuse of monopoly power.

First, let me introduce myself. My name is John Corning Carey. I am a U.S. citizen and resident of Mountain View, California. I have used computers since grade school. My training is in mathematics, but after completing my PhD analytic number theory I entered the workforce as a software engineer. Professionally, I have developed software for Microsoft Windows, Unix, and Linux operating systems. At home I use both Microsoft Windows 98 and Linux 2.4 for a variety of tasks. Let me be the first to say that no operating system is perfect. Each has its strengths and its weaknesses. But can I choose the one that is best for the task? Sometimes I can, but all too often the answer is no, because Microsoft maintains its monopoly.

At work, I have been frustrated by Microsoft's poor documentation, especially for error messages and database connection APIs. Also, Microsoft keeps changing its APIs, rather than fixing them, making it difficult to keep up. My friends tell me about how they can't inter-operate with Microsoft products because the security protocols are secret. And when we consider switching away from Microsoft? The answer is always: no, we can't, because everyone's using Microsoft, and even if they aren't, they soon they will be. And then there are the system crashes...

At home I suffer the same crashes, and much of the software I want to run is available only for Microsoft Windows. What will I do when Windows 98 is no longer supported, and I am forced to use Windows XP? I will have to rent my software, despite the trouble and expense that entails.

So I have a strong interest in aggressive competition in the operating system market. But will the proposed settlement restore competition? I think not, because it has weak enforcement provisions, includes many loopholes, and tends to exclude small/free developers. For example, Microsoft may be required to disclose APIs, but only to businesses that can afford its third-party tests and perhaps non-disclosure agreements. What about open-source developers? And if Microsoft claims that it must keep secret its file formats or file-sharing protocols out of security concerns, will we have to return to court to decide if it is within the law? That would take too long, and defeat one purpose of a settlement—to escape court. In my view,

some expedited enforcement and legal review provisions are required. Past experience indicates that there is no ''good faith'' when it comes to Microsoft, and software's complexity makes it hard to pre-script legal solutions.

And finally, what is to stop Microsoft from maintaining its monopoly through patented protocols and formats? They can be disclosed to the world, but nobody else can use them—unless they please Microsoft. Recently I heard that Microsoft has patented a revised version of SMB file sharing. That is death to open-source file servers.

In closing, let me say that I have benefited from some of Microsoft's software, and a competitive Microsoft could be a great help to the software industry. But a Microsoft that can do as it pleases is a great threat.

I was hoping that this case would lead to some real competition, and a flowering of alternatives. But this settlement seems to give in to Microsoft just when the government has won its case. Please consider more effective sanctions and enforcement mechanisms.

Sincerely,
John Corning Carey
2280 Latham St, Apt 6
Mountain View, CA 94040
(650)988–1827

MTC–00026395

From: Mike(038)barbara Gibbs
To: Microsoft ATR
Date: 1/26/02 7:59pm
Michael Gibbs
P.O. Box 601
Myrtle Point, OR 97458–0601
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The judge should approve the settlement of the Microsoft antitrust case. It would be the best thing that could happen for America to end this court action. It is time to take the bull by the horns and throw it out of the ring. The lawsuit should not have been brought by the Justice Department and the eighteen states. Remember, thirty-two states would not join it three years ago when all they had to do was sign on. Now, though, the settlement provides a way to end the lawsuit that everyone should be able to live with. After all, the judge appointed a mediator who negotiated with the parties for three months to reach an agreement that everyone could live with, everyone except nine states with less successful competitors to Microsoft who think they would o better if Microsoft was forcibly split into pieces. Microsoft should be allowed to get back to the good work they have always done. They are no fly-by-night instant wonder without morals. They have always kept honest books and maintained their legal rights, as they expected others to do. Under the settlement, Microsoft will allowed to go back to work in return for giving up its legal rights to some of its software and business practices. Microsoft will give away to other companies its internal interface code for its various Windows programs, and the protocols that allow its server computers to work with other computers. When a company needs to use Microsoft's other software code, Microsoft has given up its right to say no. Instead Microsoft will license its codes to any company on reasonable, non-discriminatory terms. So, Microsoft will really be surrendering its legal rights to other companies, even those that it would not want to help if it had a choice. This will be good for the computer industry as a whole. It is disturbing, though, to see a great, honest, company like Microsoft forced to give up its legal rights for no good reason. If Microsoft is not safe, who is?

Your support for the settlement is crucial to letting Microsoft and the American computer industry get back to work. Thank you for your consideration and support.

Sincerely,
Michael Gibbs

MTC–00026396

From: karl sebastian
To: Microsoft ATR
Date: 1/26/02 8:07pm
Subject: Microsoft Settlement

Greetings,

I write as a former user of Microsoft software products, and now a user of Apple hardware and software, to protest the apparent lack of will on the part of the American legal system to apply its laws equally and in fair measure to its citizens.

This is a situation reached because of my perceptions of Microsoft as a major obstacle to competitive software innovation, through improper use of its financial strength, and now seemingly to be excused by the American legal system of any significant penalty although found guilty of these practices by that same legal system. Also I write because of my perception of Microsoft as being less of an innovator and more of an imitator. In the process providing software systems that have had defects that have resulted in enormous costs to business worldwide, both through vulnerability to viruses and through faulty operation, and because of the harmful effects they have had on true innovation.

In fact producing products with so many defects that, if experienced in similar measure in any other field of production ,would have long ago resulted in costly litigation by dissatisfied consumers. The other competitive software operating system, Apple, while certainly not a perfect example, would seem to offer some pointers as to a preferred way of doing business in the field of computer operating systems, with their inclination to a more co-operative approach to other software producers, even to the extent of ensuring great compatibility with the Microsoft software through the proper use of generally accepted codes, such as pertain to the Internet. A field where once more Microsoft have a dubious record.

As a resident of Australia, and an admirer of much that is American, the present attitudes and actions of the Microsoft corporation reflect in the microcosm much that is deplored in the macrocosm that is called the United States of America, and if justice is not seen to be done will only be harmful to your reputation in the longer term.

A severe and applied penalty to this arrogant corporation is long overdue and thoroughly deserved.

Yours sincerely,
Karl Sebastian.
karlis@austarnet.com.au

MTC–00026397

From: Brad Smith
To: Microsoft ATR
Date: 1/26/02 5:00pm
Subject: Microsoft Settlement

Hash: SHA1

26 Jan 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 taking the opportunity to comment on the proposed settlement between the federal U.S. government and Microsoft. I have following this case closely since it's inception. I will first provide a brief background of myself and then provide some commentary on the settlement.

I have been a user of microcomputers, what used to be known as IBM clones, since the early 1980s. Before that I used a variety of mainframe and minicomputers. I have been a software developer since 1978 writing database software and analytical software to help me in my profession as a quantitative ecologist. Much of this software development occurred on clones of IBM PCs starting in the mid-1980s. I currently work for the federal government as a manager leading a small software development team. These comments reflect my personal opinions and experiences. I will be 50 in October 2002.

The proposed settlement does not go far enough in providing suitable remedies. What are needed now in the market place are real and viable alternatives to products and solutions offered by Microsoft. This settlement fails, in my opinion, to create a climate that allows for viable products to emerge and flourish. Microsoft through legal and illegal practices has created a multi-faceted monopoly that covers operating systems, office productivity suites (MS Office), and access to the internet through MS Internet Explorer.

Viable competition existed at one time across this spectrum of products. One could argue that in many cases, the alternative technology was superior in design and/or implementation. Most alternatives have failed or been marginalized reducing choice to consumers and effectively eliminating competition.

I recommend that the proposal by the dissenting States be used as the starting point as minimum remedies. Negotiations between the federal government and the participating States can be used to set additional penalties and remedies.

Thank you,
Bradley G. Smith
CC:bgsmith@bendcable.com@inetgw

MTC–00026399

From: Del Teel
To: Microsoft ATR

Date: 1/26/02 8:04pm
Subject: Microsoft Settlement

I think the Microsoft settlement falls FAR SHORT of punishment consistent with their CRIME.

THEY ARE GUILTY. THE AMERICAN PEOPLE DEMAND JUSTICE!!!!!!!!!!!!!! NOW!!!!!!!!!

Del Teel
8125 Bush Mill Ln.
Charlotte, NC 28270
800 900 7056

MTC–00026400

From: Laurence Schorsch
To: Microsoft ATR
Date: 1/26/02 8:07pm
Subject: Microsoft Settlement

Dear Renata B. Hesse,

I have signed and endorsed the open letter of Dan Kegel. The Proposed Final Judgement will allow many of Microsoft's anticompetitive practices to continue. Their lack of good faith has been demonstrated enough, even after the PFJ was set out. Microsoft's ruthless and predatory practices are hurting the rest of the computer/software industry, and a toothless final judegment is not in the public interest.

Sincerely,
Laurence Schorsch
Graduate Student, Computer Science
University of Chicago

MTC–00026401

From: jbird1014@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:04pm
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,
Anthony Campbell
523 Martin Neese Rd
Swansea, SC 29160

MTC–00026402

From: Danae Cann
To: Microsoft ATR
Date: 1/26/02 8:08pm
Subject: Microsoft Settlement

file:///C/win/temp/tmp.

The proposed settlement is just not tough enough! It cannot be effective to the degree necessary for a company like Microsoft.

MTC–00026403

From: JHowe00001@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:08pm
Subject: Microsoft settlement
1345 17th Street SE, Apt. B
Auburn, WA 98002
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft settlement agreement. The terms of the agreement are reasonable, and this case should be finalized for once and for all.

By entering into this agreement, Microsoft has essentially agreed to assist its competitors in their quest to compete at the same level as Microsoft. Microsoft has agreed to disclose portions of its code to the other software companies. They have also agreed to design future editions of Windows in such a way that it will be easier to remove features of Windows and replace those features with software designed by Microsoft's competitors. I am satisfied that these types of concessions will achieve the underlying goal of ensuring fair competition is restored.

I feel that The Department of Justice has acted prudently in deciding to settle this case.

The Microsoft Corporation has made extraordinary achievements since it's inception, helping to provide the world with a tool second to none and should not be further penalized for their achievements. Further, I speak from a computer owner's standpoint and not as a stock holder.

Sincerely,
/s/John M Howe
John M Howe
CC:fin@mobilizationoffice.com@inetgw

MTC–00026404

From: Joel C. Sercel
To: Microsoft ATR
Date: 1/26/02 8:09pm
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a concerned citizen and business owner I am sending you this correspondence to register my concerns regarding the pending Microsoft Settlement. I urge the court to consider the strongest possible settlement against Microsoft which does not damage U.S. industrial competitiveness in global markets.

Press reports of related Microsoft offers to donate software and hardware to schools as part of a settlement offer are particularly concerning to me as such a move would:

1) not alleviate the financial and market share related pain suffered by Microsoft's victims,

2) not cost Microsoft nearly what Microsoft claims it would cost, and

3) would tend to extend Microsoft's monopoly into yet another market.

Any settlement which does not provide some remedy to alleviate market share and financial loss for Netscape and Apple computer is of particularly concern as those two companies, both of which are widely recognized as far more innovative than Microsoft, have been particularly hurt by unfair Microsoft practices. Please ensure that any financial remedies levied on Microsoft are used in such a way as to ensure the increase in Netscape and Apple market shares and the market shares of the other companies hurt my Microsoft practices.

Sincerely
Joel Sercel

MTC–00026405

From: J. Scott Kasten
To: Microsoft ATR
Date: 1/26/02 8:11pm
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:
Scott Kasten
2120 Manor Dr. Apt 116
Lexington, KY 40502

To the Honorable Court:

As a citizen of the United States and 15 year veteran of the high-tech industry it is both my right, and duty to file comments with the court in the case of U.S. vs Microsoft anti-trust action as described under the provisions of the Tunney Act. I have chosen to write the court because activities of the Microsoft Monopoly have so seriously harmed my industry, that not only have they harmed the end consumer, but they have seriously impaired my ability to work in this industry.

I will begin with a brief summary of my main points before expounding upon them in greater detail with specific facts. Basically, the proposed settlement is unacceptable when viewed in the interest of the public and industry for the following reasons:

[1] The settlement was not written with a proper perspective of the industry as a whole in mind.

[2] The way the settlement is written, it only provides remedy in regards to the current Microsoft platform. Microsoft is already putting their exit strategy to a new platform in place which will have the effect of making the settlement obsolete before it even goes into effect.

[3] There are language inaccuracies that leave the efficacy of the settlement in doubt.

[4] The settlement has very few provisions to remedy Microsoft's most publicly damaging weapon which is their End User License Agreement (hereafter known as the EULA).

Now I will explore each item in greater depth so the court can better understand what actions need to be taken to fix the proposed remedy.

[1] I will start with a brief industry perspective since that forms the root of objections 2 through 4.

In the industry, it has been recognized that operating systems in general have moved

from the status of a high-end, high-value product offering to a mere commodity in the same fashion as the use of electricity or telephones did in the early part of the 20th century, or even the computer hardware itself in the latter part of the 20th century. There has not been anything truly new or totally innovative in operating system technology in about the last 15 years or so. Indeed, modern operating systems are based on ideas spawned in universities over 30 years ago, most of which was perfected at least 20 years ago.

Most operating system vendors in the industry have already recognized this and adapted their business models to account for that. Although one would think of IBM, Sun Microsystems, HP, and Silicon Graphics Inc. (now known simply as SGI), as operating system vendors, that view would be somewhat incorrect. Their business models evolved to become hardware and consulting/service vendors that sell packages. Each workstation purchased from SGI comes with an entitlement to run certain releases of SGI's IRIX operating system based on its serial number; operating system upgrades are a rather miniscule portion of their revenue stream. They are even offering a Free operating system (Linux) on some of their offerings. Sun Microsystems gives their operating system away free of charge for personal or non-commercial use, and even makes the source code available without charge to developers that need to inspect it to improve their software offerings that run on Solaris.

Both HP and IBM, most notably IBM as of late, have been making steps to move away from their proprietary operating system offerings to Open Source alternatives such as Linux and various flavors of BSD; both companies have moved to the sale of hardware or software applications and consulting services maintain the cash volume of their revenue streams. And of course, with the decline in market value of proprietary operating systems, we have seen the rise in interest and importance of Open Source, or Free operating systems such as Linux, and BSD to take the place of the proprietary ones.

Companies that have failed to recognize this have perished. Witness the dismantling of Digital Equipment Corporation by Compaq, a commodity equipment and services vendor, The acquisition of Santa Cruz Operation (SCO Unix) by Caldera, a company that is known as a Linux specialist. Novell nearly perished trying to maintain their business model around Netware, but finally appears to have turned things around when they refocused on applications and services the past couple of years.

The real focus in the computer industry is not on operating systems or platforms so much as it is in cross-platform applications, hardware support, and user interfacing. Basically, John Doe with a new digital camera wants to snap some pictures, retouch them on the computer, and make some nice glossy prints for the relatives. He doesn't even want to know anything about the operating system his computer runs, he wants the camera to function with his IBM PC running a PC operating system as well as it does with his friend's Macintosh running MacOS.

In the history of this industry, Microsoft is truly unique. They have maintained and increased their market share and position not through real product innovation, but through predatory practices that resulted in them becoming a monopoly. The maintenance of that monopoly is what has allowed them to keep an artificial floor on the value of the operating system products they offer. Notice the use of the term value here instead of price. Price is what a consumer pays, value is a reflection of the consumer's need. Naturally, the need affects the price one is willing to pay, so there is an interrelationship at work that implies the consumer is paying too much, which I'll explore further in item 4.

[2] Although Microsoft has managed to keep an artificial floor on the value of their operating system products through monopolistic practices, even they realized that the inevitable pressures to marginalize the operating system would become too great for even them to bear. Thus they planned its obsolescence. The new target development platform of choice is going to be the .NET infrastructure. Ancient PC's had a BIOS containing the BASIC programming language/operating system that was permanently embedded in their ROM memory. As full fledged disk based operating systems came about, they marginalized the BIOS. None of the BIOS products these days has a built in programming language. It's only roll is to pull the disk based operating system in off disk now. It has no real apparent value to the end user of the system that rarely even notices the brief BIOS messages that flash by as the system boots up. No one programs to that interface anymore. Microsoft is trying to do the same thing to their own Windows operating system and replace it with .NET. Windows will become little more than a fancy video display driver. No one will program to it anymore. The .NET infrastructure will be the actual target for most future software development.

This is also where I begin to find specific faults in the settlement as written. In section III. Prohibited Conduct, please reference paragraph D. The terse form of which basically says, ''Microsoft must publish in full their programming APIs for the Windows operating system.'' The .NET framework is not specifically mentioned anywhere in the document, but presumably fits in under the definition of ''Middleware'' as described in sections VI.—J and VI.—K. There is no section or language which indicates that they must fully disclose the middleware APIs. This is a fatal flaw as Microsoft has publicly acknowledged the corporate strategy shift from software publication on the Windows operating system to the .NET infrastructure running on top of it. Thus they can repeat the vendor lockout cycle again on a ''whole new'' platform, unhindered by the terms of this settlement.

Further, section III.-J, paragraphs 1 and 2 cause me grave concern, particularly in light of the .NET strategy. Section J in summary provides government granted exclusions. Paragraph 1 basically states that Microsoft may keep any programming APIs, methodologies, and information about network protocol layers that relate to anti-virus protection, authentication, or encryption secret. Paragraph 2 allows Microsoft carte blanch to determine to whom they wish to share that information for purposes of interfacing. This goes against what is generally accepted as ''best practices'' in the industry.

It is accepted practice that network protocols and interfacing standards are proposed and peer reviewed in standards committees such as the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C) to provide for better design, functionality, robustness, and security. Items related to authentication, and encryption in particular need the critical attention of peer review due both to the complexity of such systems, and the importance of the data protected by such systems. It is also accepted practice that the architecture is open so that anyone may produce their own implementation of the standard so that products from different vendors can interoperate freely. After all, that is the end goal, to connect one user with another.

Microsoft has in the past proven their incompetence in the implementation of cryptographic systems and security in general. Witness the introduction of L0pht Crack (pronounced ''loft'') which could pull encrypted passwords from the Windows NT registry thanks to its flawed cryptographic implementation. The numerous viruses such as Sircam, Love Letter, Nimbda, etc. that have exploited weaknesses in Microsoft's security interfaces. My point here is not to bring new evidence to the court, but more to make the point that sensitive systems related to security, authentication, and encryption need to be designed under the intelligence of multiple parties. Hence the peer review and refereeing process that is so widely used in the industry. It also helps prevent one party from subverting the standards for their own ends.

Micrsoft intends for the .NET platform to help provide a new infrastructure for information storage, security, and identification/authentication, that will help drive a future Internet based economy. With the help of standards committees, implementations from multiple vendors, and so forth, this could be a good thing for society. However, it is far from the public's best interest for one company to own the whole thing. If there's only one implementation, then any security flaws discovered, and experience shows there will be many, can bring down everything. Furthermore, independent companies need to have access to interfacing standards for something as important as this to provide consumers choice in the products and services space connected with this platform.

[3] I have already voiced some concern over where .NET fits into the settlement agreement. However, there are other specific inaccuracies in language and specificity that could render the agreement unenforceable.

In this matter, I would like to refer the court to a very thorough analysis compiled by one Dan Kegel and other parties available on the web here: http://www.kegel.com/remedy/remedy2.html

Mr. Kegel has also submitted, or is in the process of submitting, this document to the

court for inspection as part of an open letter with many co-signers as his contribution under the Tunney Act. I will not waste the court's time re-iterating what he has already so carefully documented except to state that I AGREE IN FULL with the assessment provided in that document.

[4] Towards the end, of the document, Mr. Kegel begins to address some issues regarding the EULA agreements that Microsoft imposes on their product users. The settlement makes no requirements for change to potentially predatory practices in Microsoft's EULAs. Unfortunately, that is one of Miscrosoft's tools for manipulating and harming the consumer, and other parts of the industry.

Mr. Kegel points out that the Windows Media Encoder EULA prohibits distribution of certain redistributable components when accompanied with application components that were licensed under a Free or Open Source license. And that the Microsoft Platform SDK and Visual C++ development environment have in their EULA a clause that can make it illegal for you to distribute and run your own created application on a Windows compatible platform such as a Windows emulator on a Sun, SGI, or Macintosh computer, or a PC running Wine, IBM OS/2, or Trumpet Petros, all of which are Windows alternatives. He also points out that some Microsoft utilities such as NewsAlert state in the EULA that they are forbidden to be run on non-Microsoft operating systems.

To those examples, I wish to add a few more.

Microsoft uses the EULA to tie their Windows operating system to the PC on which it was purchased. This means that when a user trashes a PC, he cannot use the same copy of Windows on the new PC, but must instead purchase a new and redundant copy of Windows to be fully in compliance with the licensing agreement. As PC technology dates quickly, users who must update frequently are legally bound to purchase redundant copies of an operating system that they already have, thus helping Microsoft to maintain its revenue stream on what should have already been a commodity item. In the present, Microsoft with the advent of Windows XP has already implemented software EULA enforcement that prevents users from upgrading too many components of their system before they have to go back to Microsoft and re-license the same operating system install on the same PC.

Indeed, Microsoft used to offer a refund for unwanted copies of their Windows software product with this language in the EULA, ''If you do not agree to the terms of this EULA, PC manufacturer and Microsoft are unwilling to license the software product to you. In such an event ... you should promptly contact PC manufacturer for instructions on a return of the unused product(s) for a refund. ''However, after an unsuccessful campaign on by many users to claim such refunds on an organized ''Windows Refund Day'' on Feb 15th, 1999, people discovered that Microsoft and its vendors had no intentions of honoring that clause and had no effective refund channel in place., and it appears to have since been removed from the licensing agreement.

Microsoft attempts to limit the constitutionally provided right to free speech in the EULA contained with the Microsoft FrontPage 2002 product for web publishing. It sates, ''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.'' So if I publish an article on the web using MS FrontPage such as a product performance benchmark that Microsoft finds unfavorable, have I indeed violated the EULA?

Whether or not these agreements are actually enforceable if a matter of legal opinion that I am not qualified to evaluate. However, what is clear is that Microsoft has cleverly left itself some channels through which it can attempt to tie individuals or businesses up in court when it finds their actions displeasurable. The potential legal costs alone have a chilling an dampening effect in the industry.

In closing, I beg the court to find the proposed settlement as lacking in enforceability and effective remedy. This settlement needs to be rejected and reworked keeping the points that I have outlined above in mind. Thank you for your time and consideration in this matter.

Sincerely,

Jonathan Scott Kasten

MTC–00026406

From: Grayshadow
To: Microsoft ATR
Date: 1/26/02 8:10pm Subject'' Microsoft
Robert Izzo
50 Kipp Lane, Lot 44
Hudson, NY 12534
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The stilt against Microsoft should never have been happened in the first plac?? therefore I feel that the settlement they have made with the Department of Justice should stand the way it is and all litigations need to come to a halt. t am now retire but in my spare time, l rebuild and upgrade computers and have always used Microsoft products. Microsoft is being harassed for bring the best at what they do. Bill Gates is an excellent businessman who built this company from the ground up. and now other companies want to take advantage of all his hard work.

We have home computers that are easily used and understood because of Microsoft. They have changed the way the IT industry does business. Now the other companies are going to get the internal codes of Microsoft so that they can design their software to be compatible. I don't necessarily think this b a bad thing but the courts should not be able to tell them they have to do this.

Even though I feel as though the suit should never have happened m the firs place, I think the settlement is better than continuing litigations, Enough damage h been done to the IT industry and the economy already. I hope the Department of Justice decides to rule in favor of the settlement so tiffs whole ordeal can be over.

Sincerely.

MTC–00026407

From: Mike Doherty
To: Microsoft ATR
Date: 1/26/02 8:14pm
Subject: Microsoft Settlement

I don't like the terms of the Microsoft settlement. For one thing, a penalty to Microsoft that allows them to donate computers to schools is inherently wrong. This will undercut the competition even more.

Mike Doherty
Cleveland, OH
Self

MTC–00026408

From: dolfan@seasurf.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:12pm
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 Johnson
45 Whitebush Way
Astoria, OR 97103

MTC–00026409

From: Andrew Salamon
To: Microsoft ATR
Date: 1/26/02 8:16pm
Subject: MicrosoftSettlement

To Whom it May Concern:

My name is Andrew Salamon, I live in La Mesa California and I am a citizen of the United States of America. I have been a professional computer programmer since 1995 and for the first five of those years I was writing what most people call ''mission critical'' software for very large organizations: financial, accounting and personnel applications. Eight months ago I left the financial industry and took the Chief Software Engineer position at Nisus Software Inc., whose main product is a Macintosh word processor called Nisus Writer.

Nisus Software has been around for over fourteen years. I don't know too much about the company's history, but I do know that in the past they were much larger than they are

today. I can't honestly claim that their smaller size is entirely due to ''unfair competition'' from Microsoft, but that would certainly seem like a good bet.

I would like to bring up one problem that falls within my area of expertise. Nisus Software gets a lot of complaints along the lines of: ''I need to send a file to a co-worker (or colleague, or friend), but they can'' t read it because they use MS Word!'' or ''Someone sent me this .doc (MS Word) file, and when I try to open it in Nisus Writer, it just looks like garbage!''. A fair number of these complaints end with, ''Well, I'd love to use Nisus Writer but I can't because I need to work with people using MS Word.''

Ever since I've started working for Nisus, one of my co-workers has been working on that problem. Specifically, there is a file format called RTF (Rich Text Format) that many different word processors can use. Unfortunately, RTF is not an open standard, it was created by Microsoft. The documentation is difficult to find and even harder to understand. What'' s more, it is a moving target and Microsoft's own products rarely adhere to the publicly available information. Documents saved as RTF files by Nisus Writer often show up as garbage text in MS Word, or sometimes even crash it, despite our best efforts to make the document adhere to the ''published'' standard.

Even if RTF were an open standard, however, it would not completely solve the problem of interoperability because it is an intermediate format that is not ''native'' to either Nisus Writer or MS Word (or many other other word processors). This means that there will always be a chance of losing data or formatting information when transferring files.

I am not a lawyer but based on my reading of the currently proposed penalty in the Microsoft anti-trust case as well as the commentary of others (including the Electronic Frontier Foundation's legal staff) I would say that there will be no substantial change in the way Microsoft does business given the current settlement.

Andrew M. Salamon

Chief Software Engineer, Nisus Software, Inc.

MTC–00026410

From: Kurt Fleschner
To: Microsoft ATR
Date: 1/26/02 8:18pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing this e-mail to voice my opinion that the current settlement in the Microsoft trial is insufficient. It's been stated before and found that Microsoft is a monopoly, and that it has participated in unlawful use of that monopoly. I feel that the settlement with Microsoft does not significantly punish the company for its practices, nor keep the company from abusing it's position in the future. I hope the the courts will come to the same conclusion.

Kurt Fleschner

MTC–00026411

From: robinhen2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:16pm
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,
henry robinson
PO Box 808
Newberry, SC 29108

MTC–00026412

From: Raphael Fleishman
To: Microsoft ATR
Date: 1/26/02 8:21pm
Subject: Microsoft Settlement

To whom it may concern,

I have written earlier to express my concern that the current Microsoft settlement does little in the way of protecting competition, VAR, OEMs, and resellers from retaliatory actions by Microsoft in the event these groups choose to implement non-Microsoft solutions.

I would like to add that I strongly urge the DOJ to pursue further investigation and prosecution of the anticompetitive actions Microsoft used to leverage the web to further its monopoly in Windows operating systems.

Much has been made of Microsoft's right to add features to Windows. It is important to note that the dominant markeshare of Internet Explorer came to pass, besides through the obvious distributional advantage, because Microsoft used the tactics of embrace and extend of the HTML standard in order to pollute standard HTML and make web pages in Internet Explorer render differently than web pages in Netscape. Instead of following the standards of the W3C body Microsoft made up its own.

The network effect of Microsoft's Windows distributional monopoly took part in this because webmasters decided that rendering for Internet Explorer was more important and more stable, from a marketshare perspective, than rendering for Netscape. After all, only some Windows users had access to Netscape or the significant ability and know-how to install it, but all of them had Internet Explorer.

As the proprietization increased and the market of Internet Explorer-enabled web pages increased so did its use. I don't use Internet Explorer as my primary browser, but if I go to certain web pages I'm forced to switch to Internet Explorer instead of using an alternative browser because these web pages have tags that tell me they were optimized for some other browser and won't render correctly in any other.

It is significantly more difficult for competitors to follow the closed proprietary standards of web rendering specified by Internet Explorer than to follow those of the World Wide Web Consortium. It takes significantly more effort on the part of content providers and webmasters to provide two types of web pages, one for Microsoft's proprietary methods, and one for W3C-standarized ones. It's unfair that Microsoft could so easily use an existing monopoly to supplant competitors'' products and I fear that with 90% marketshare and the phenomena of institutional resistance to change, combined with a general lack of knowledge of real computing standards (vs. Microsoft's forced-upon-the-consumer proprietary ones), consumers will be artificially burdened in their attempts to adopt alternative communication-enabling products like browsers.

It is important to watch the progress of Microsoft's Windows Media Player, a newly bundled product to allow the visualization of proprietized (non standard, incompatible with competitors) movie media files on client computers across the web, and to determine if the marketshare of exclusive Windows Media Player-compatible content is increasing significantly faster than that of competitors who do not bundle their product with their computers or struggle with decreased distributional advantages like Real Network's Real Player. The inability for consumers using alternative operating systems to browse web content is a significant deterrent to adoption of competitors'' Operating Systems and is consequently a clear example of Monopoly Maintenance.

The greatest damage Microsoft caused to consumers is the result of the way in which Microsoft changed the web from a non-proprietized platform- and browser-agnotistic information exchange system to a Microsoft-favored one. That's not only illegal in light of the Court's finding that Microsoft holds a monopoly in the product market to which Internet Explorer was tied, it's unethical, it's immoral, and it violates the rights of consumers to enabled alternative choices.

I am concerned that as long as Microsoft can continue to leverage bundling with Windows Operating Systems in order to set proprietary standards of information exchange—be they text documents, movie files, sound files, or others—competitors are faced with an uphill battle to provide competing proprietary protocols or even to design products compatible with Microsoft's.

With Best Regards,
Raphael Fleishman
Stanford University
Beckman Center B403
Stanford, CA, 94305–5307
mailto:raphaelf@stanford.edu
650–723–4025
CC:gordie@cyclesoft.com@inetgw, info@procompetition.or.

MTC–00026413

From: Larry Ross

To: Microsoft ATR
Date: 1/26/02 8:22pm
Subject: Lawrence-Howard: Ross
Lawrence-Howard: Ross
3109 Alaska Road
Brier Wshington 98036–8452
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The settlement that has been reached in the Microsoft antitrust case is fair and should be accepted on no uncertain terms. I believe that this suit has only served to waste millions of dollars and innumerable hours of wasted manpower. I feel that this suit has done undeniable damage to the U.S. economy especially within the technology sector itself.

This is a sound settlement. The terms will ensure that Microsoft no longer commits antitrust violations. In exchange for the concessions that Microsoft has made in this case, it will be allowed to continue, conducting business as a whole company rather than being split up in to smaller separate entities. The terms of the settlement require that Microsoft design all future versions of Windows to be compatible with the products of its competitors. It has also agreed not to commit any action that could be construed as retaliatory. I believe that these terms are fair, as is the entire settlement; we need not delay its implementation any longer. Please continue to support American business as you have with the orchestration of this settlement. Thank you.

Sincerely,
Larry Ross

MTC–00026414

From: DTio978444@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:20pm
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,
Debbie Tio
6907 Cummens Court
Hartford, WI 53027

MTC–00026415

From: Bill Pryor
To: Microsoft ATR
Date: 1/26/02 8:27pm
Subject: microsoft case

Dear Sirs:

I couldn't be more convinced that Microsoft, though it has done a lot to get more people on line, has nonetheless engaged in very clearly monopolistic practices and should be prosecuted just as Standard Oil was about a century ago.

William C Pryor, 2011 W. Katella Ave., # 51, Anaheim, CA 92804.

MTC–00026416

From: Pamela Greaves
To: Microsoft ATR
Date: 1/26/02 8:27pm
Subject: Microsoft Settlement

As a person that relies on technology for my livelihood, I feel I must comment on the Microsoft Settlement issue as a IT professional and a consumer and user of technology.

I have always felt that Microsoft has provided consumers with what they want. Their products are made for ease of use and require little training to get started using them. There are no other operating systems available that offer the ease of use that Microsoft Windows provides.

In reality, if a consumer wants to use an operating system other than Microsoft, it is available. But the fact of the matter is that the consumer would have to be highly technically knowledgeable for that operating system to work properly.

The role that AOL/Time-Warner has played in this is something I have a hard time understanding at all. AOL has itself been practicing in a monopolistic fashion for many years. It is impossible to have an ISP account with AOL without them loading components of little or no value on your computer. The AOL software completely takes over all dial up and internet functions and has been known to completely destroy peoples operating systems. How can this company have any credibility in this matter?

Microsoft has a support and feedback system in place and has been asking consumers what they want to see in a product and provided them with that product. While their business practices may not be ethical, what they provide to consumers is technically unsurpassed by any other software manufacturer.

Business consumers may find more useable products on the market. But home users of computers and software need the ease of use and flexibility that Microsoft offers in their products.

Other companies are lacking in market share only because they choose to not market their products. If we don't know they are available, how can we seek them out?

Pamela Greaves
6116 Vanden Road
Vacaville, Ca
95687
707–446–7347

MTC–00026417

From: kuo-chen@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:28pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Microsoft will still be as bad as it is before the settlement.

Kuo A. Chen

MTC–00026418

From: JasminWilliams@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:28pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney General Ashcroft:

I am in favor of the settlement in the Microsoft antitrust suit and I think the Department of Justice should make their final decision and close the case based on the terms of the settlement. Microsoft has agreed to conditions in the settlement that extend beyond the scope of the original issues at stake in the suit.

In the interest of getting on with business, Microsoft agreed to document and disclose information that will make it easier for computer manufacturers and software developers to have greater freedom of choice. Essentially, Microsoft will agree to give its software code to other companies, with no regard for its own intellectual property rights. Microsoft has also greed not to take action against software designs that compete with the Windows operating system.

It is time to settle this suit and stop spending taxpayer dollars. Microsoft is a capitalist corporation, and as such, should be allowed to pursue its business without being subject to legal action.

Sincerely,
Jasmin Williams
492 Henry Street 6B
Brooklyn, New York 11231

MTC–00026419

From: BYNESTONE@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 8:30pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harmon Byne
121 Shoal creek Rd

Griffin, GA 30223

MTC–00026420

From: criley724@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:31pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Claudette Riley
8310 E McDonald Dr #3106
Scottsdale, AZ 85250–6276

MTC–00026421

From: ALAPATA1@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 8:33pm
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.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
PAT LAMMERT
3458 NANDALE DRIVE
CINCINNATI, OH 45239

MTC–00026422

From: rufus laggren
To: Microsoft ATR
Date: 1/26/02 8:36pm
Subject: Break up Microsoft

In a word, do it. Separate the operating system company from the software applications development. Separate the major software applications into different companies.

And also, require the remaining (still monopolistic) companies to fully disclose:

1) Their application file formats when the product's market share rises above 30%. At about this level, it becomes a practical business necessity to utilize their formats because they become a de facto standard of exchange. Secret formats which competing applications cannot support fully, reliably, nor in a timely manner, effectively kill off all other competition in that application niche—creating a monopoly which completely stops competitive innovation.

2) The —complete— operating system API, that is, the feature set available for use by programs running under MS operating systems. Application programmers (eg, those who write spreadsheet software) must use these features whenever their programs display, print, communicate or use any of the hundreds of other facilities the operating system (supposedly) provides. Microsoft has historically programmed their software (like their spreadsheet) using ''unsupported'' ''secret'' features of their own operating system (Windows) which competing developers were unable to discover in a timely manner. Hence Microsoft application software had a huge advantage in relation to it's competitors. Make it a crime with large penalties if, during any period when either the MS operating system —or— the MS software has a greater than 30% market share, Microsoft application software is found to use ''undocumented'' features of a Microsoft operating system. Software tools can easily locate and document all features used by a program, so this would be almost trivial to verify.

I worked as a programmer and systems analyst from 1975 to 1985 and as a PC consultant since then. From personal experience, I can say the any software product —must— provide full compatibility with existing standards in it's market (eg. MS Excel spreadsheet format). And the developer without full access to the API of an operating system which his product will run on ... is a complete non-starter. By concealing certain features of both its operating systems'' API (claiming them as ''undocumented'' or ''unsupported''—which means that MS will change the code at any time convenient to itself to cause that feature to disappear), and its major document formats, Microsoft has completely stifled competition in the areas of word processors, spreadsheets, and to some extent, webpage development.

The claim that systems would suddenly become unreliable without dominant standards provided by MS... does not seem credible. On the contrary, with the clear exception of its spreadsheet, Microsoft software has proven buggy and difficult to use. Their product development cycle does not seem to respond to basic low-level user complaint in the way a company eager to please its customers would.

As a private consumer and as a professional who must try to find good products for clients, I ask you to please stop the monopolizing of our largest industry. If our software economy is not to suffer the melt down that Detroit went through in the 70's when it faced real competition for the first time, we must nurture and promote effective competition, and actively discourage the cumbersome stifling business practices that MS seems to favor.

Rufus Laggren
Pacifica, Ca.

MTC–00026423

From: Arek Dreyer
To: Microsoft ATR
Date: 1/26/02 8:44pm
Subject: Microsoft Settlement

I object to the Proposed Final Order.

Arek Dreyer
Network Consultant
5512 N Glenwood Ave #3
Chicago, IL 60640
773–251–8931

MTC–00026424

From: GD Peterson
To: Microsoft ATR
Date: 1/26/02 8:39pm
Subject: MICROSOFT PENALTY TOO SEVERE

MY COMMENTS ON THE MICROSOFT CASE ARE.THE PENALTY WAS TO SEVERE AND THE OTHER COMPANYS ARE OUT TO HELP THEM SELVES.I HAVE BEEN HURT MUCH MORE DOLLAR WISE FROM THE CASE THEN ANYTHING MICEOSOFT DID.IM A X-RAY TECH MAKING 22000 DOLLARS A YEAR.WE NEED TO GET THIS CASE RESOLVED SOON.BILLIONS HAVE BEEN LOST BECAUSE OF THIS CASE.

FOREST PETERSON
320 POLK 121
MENA,AR
71953
1–26–02

MTC–00026425

From: Valden Longhurst
To: Microsoft ATR
Date: 1/26/02 8:43pm
Subject: MS settlement

Regarding the Civil Action No. 98–1232 between the UNITED STATES OF AMERICA and MICROSOFT CORPORATION, I would like to exercise my right and voice my frustration. Microsoft is further extending their monopoly by showing no regard to either the court orders or the public sector.

I am an Operations Manager for Kiwi Publishing, located in Spokane, WA, and was recently effected by the Microsoft and Qwest ''sell off/buyout'' deal. We did not choose to have our Internet Service Provider changed, but without our concent and knowledge Qwest and Microsoft changed hundreds of consumer's telephone service without permission, which is illegal under Section 258 of the Telecommunications Act, 47 U.S.C. ?258.

As a direct result of this action, our business has suffered. This act forcefully prohibited us from contacting hundreds of our customers via e-mail because we were not using the more expensive and less functional Microsoft e-mail software. Our only option was to either individually write each customer or change ISP—both of which hurt us. Because of the time-limited circumstance the VERY time consumming task of manually contacting our hundreds of customers was our only real option.

In our efforts to remedy the situation, three times we called Microsoft and requested they help us use our old automated system of contacting our customers and were thrice told we could only use Microsoft products to send out any e-mails with no exception—which could only happen if we purchased their software.

Furthermore, since we were taken from Qwest's internet service and placed on the Microsoft Network our business internet service has been from terribly slow to completely stopping at times. Again, in our efforts to remedy the situation we were told in order to change to a new ISP, we would have call Qwest and Microsoft to CANCEL the internet service circuit and sign up anew for a different internet service circuit—again provided by Qwest! Now as an engineer in electronics engineering technology and a network administrator, I know a circuit cancellation and renewal is NOT required if you want to change an ISP. What is their motive? What agreement was signed to force that pretended requirement?

Clearly, Microsoft is still making monopolistic agreements with other companies (whether OEMs or not) and tramples the stipulations imposed by the courts under their feet. If anything has changed, Microsoft seems to be more willing to use its monopoly to harm our business and limit our choices than before the courts imposed sanctions upon them! What a gross disregard for our laws and lack of respect for their customers!

I add my voice that the proposed settlement (as is) will do nothing to stop Microsoft from turning their monopoly into a choke yoke for anyone—regardless of law and ethics. Obviously the proposed settlement is not forcing Microsoft to change. This country can not survive upon a total disregard of ethics. This is particularly so with such a large unethical company as Microsoft.

Will you hold our country to ethical standards by requiring our companies to live by ethical standards?

Valden Longhurst
101 East Graves Road #11
Spokane, WA 99218

MTC–00026426

From: Gary Duerksen
To: Microsoft ATR
Date: 1/26/02 4:33pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am a high-technology professional for whom computer usage is a daily necessity for survival. Over the course of my 30-year career I have used mainframes, workstations and PC's running JCL, VMS, UNIX, DOS, Windows, Mac OS, etc.; my opinions do not represent a parochial bias derived from group-identification with one computing platform. I also use Microsoft software regularly and have first-hand experience with some of Microsoft's questionable tactics, such as planting traps in Windows to inform a user of non-existent software problems when attempting to run Netscape Navigator.

The pattern in developing technologies has always shown a migration from myriad proprietary standards to a uniform codified set of standards, typically overseen by an independent professional organization. The development of computer operating systems has also moved in this direction, through promotion of operating systems such as open-source UNIX and Linux, and through the development of platform-independent programming languages such as Java. I am convinced that this progression is both beneficial and essential for the health of the industry.

I believe that the Final Judgement proposal agreed to in November, 2001 will do little or nothing to ameliorate the very real harm that Microsoft's monopolistic abuses continue to do to those businesses dependent on the computer industry. Microsoft has used its overwhelming market-share of computer operating systems to guarantee proprietorship over the application software used on virtually all computers. Not only has this practice effectively eliminated all competing internet browsers and seriously impeded the adoption of Java, it also has the potential to limit the burgeoning market for consumer devices that interface with a computer to those that incorporate proprietary Microsoft software.

There is only one remedy that ensures Microsoft will discontinue its anticompetitive practices: mandate the breakup of Microsoft into separate businesses for operating systems and for application software. Not only will this benefit the entire community of computer users, it arguably might improve Microsoft's profitability.

Gary L. Duerksen, Ph.D.
Director of Optics
Seneca Networks
Rockville, MD

MTC–00026427

From: Leslie Crawford
To: Microsoft ATR
Date: 1/26/02 8:43pm
Subject: Re: Microsoft settlement

Please accept the settlement already made, which was reasonable, and avoid further expensive unnecessary litigation.

Leslie Crawford

MTC–00026428

From: Bruce Cartwright
To: MS ATR
Date: 1/26/02 8:37pm
Subject: Microsoft Settlement
January 21, 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 beliefs about the November 2001 proposed settlement reached between Microsoft and the government. First, the Department of Justice should never have sued Microsoft. It was completely wrong. Microsoft should not be forced to litigate its business practices beyond what has already transpired. As a Christian, I believe that the government was strictly motivated by greed.

The settlement constitutes a great opportunity for this country, putting disputes to rest, and allowing Microsoft to progress through continued innovation. Microsoft has agreed to have a government appointed watchdog monitor their business practices. If Microsoft breaks any term of their settlement, they will be held responsible for their actions. This is good enough for me to see Microsoft agreeing to be monitored.

The government has moved away from these values as I see it, becoming much bigger than itself, not by the people, or for the people, but by those who run the people, who own the people. As a person who lives by the good word, the people are speaking, I am one voice crying out in the wilderness, ''Let Microsoft continue onward, support this settlement without any further punishment or actions against them.'' This is in the best interest of Microsoft, the government, and the economy and for this nation.

Sincerely,
Bruce Cartwright

MTC–00026429

From: BJUFL@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:47pm
Subject: Microsoft Settlement
709 Buckwood Drive
Orlando, FL 32806
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the settlement reached between Microsoft and the Department of Justice. Since the inception of this lawsuit, enormous amounts of federal resources have been spent in court negotiations. During this time the technology industry has seen a significant decline in its markets. Given the current state of the economy, I believe that continuation of this lawsuit would serve only to waste more federal dollars. The settlement that was reached benefits consumers and the technology industry. I urge you to enact the settlement reached in November.

To expand, the settlement agreement most definitely supports the consumers of the tech industry. With the release of Windows XP, users will now be able to add and delete programs easily into the Microsoft system. In addition to this, Microsoft has agreed to disclose some of the protocols in the Windows system so that developers will design more compatible software. Microsoft has made many concessions in order to resolve this issue.

I would hope that the Justice Department recognizes the importance of enacting this settlement. Thank you for your time regarding this issue.

Sincerely,
William Underwood
cc: Representative Ric Keller

MTC–00026430

From: todd chatman
To: Microsoft ATR
Date: 1/26/02 8:49pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to denounce the proposed settlement of U.S. v Microsoft.

I join a deafening chorus of both experts and laymen who all agree: this settlement will do virtually nothing to create a better environment for competition in the PC

software industry or to improve the social good derived from that industry. Didn't you, the DOJ, learn your lesson in 1995 when you slapped Microsoft's wrist and then had to listen to Bill Gates publicly ridicule the consent decree as essentially meaningless? He was right; that decision did nothing to limit Microsoft's anti-competitive practices, largely becuase the technological map it responded to had been completely redrawn by the time it was written. The same is true in this case—it has lasted just long enough for Microsoft to have moved beyond the terms of this settlement into new realms of market monopolization. The American people cannot afford to sue Microsoft every 3–5 years while its technological future continues to be held hostage to Microsoft's whims. I beg you: Discard this settlement, rewrite it with real teeth, and pursue its enforcement until we see real innovation and competition in the market again.

Sincerely,
Todd Chatman
Urbana, IL University of Illinois —

MTC–00026431

From: rrknorr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:50pm
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,
Rosemarie Knorr
2470 Tapestry Court
Livermore, CA 94550

MTC–00026433

From: Jdores1228@aol.com@inetgw
To: Microsoft ATR,FIN@mobilization office.com@inetgw
Date: 1/26/02 8:56pm
Subject: (no subject)

I am shocked that the U>S> Government went after Microsoft when Time Warner should have been first. The letter that was e mailed to me never arrived. What the Government did does not make sense. If they want to break up a company why wasn't Time-Warner the one??????????????????????????????

MTC–00026434

From: Clint Allen
To: Microsoft ATR
Date: 1/26/02 8:57pm
Subject: Microsoft Settlement

I am one of the many US citizens concerned by this settlement and the ways in which it will affect Microsoft's monopolistic practices. In particular, I would like to point out problems with the following sections:

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.

Thank you for your time.
Clint Allen

MTC–00026435

From: Barbno63200@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:59pm
Subject: Mcrosoft ettlement

i think that the Microsoft settlement is good because it give people choices which are bound by the sherman anit-trust act.

CC:barbno63200@al.com@inetgw

MTC–00026436

From: juanito
To: Microsoft ATR
Date: 1/26/02 8:59pm
Subject: microsoft settlement

From what I've heard of the Microsoft anti-trust settlement, I believe it to be not only unfair, but highly counter-productive if its goal is to weaken Microsoft's monopoly on the computing industry.

Juanito Moore

MTC–00026437

From: pilinp@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:55pm
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,
Pedro Sanchez
4765 sw 6 st.
Miami, FL 33134–1407

MTC–00026438

From: mr.k@fuse.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:58pm
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,
John Kraemer
3349 Blue Rock Rd.
Cincinnati, OH 45239

MTC–00026440

From: tougholdbird@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:02pm
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,
Darlene Brown
205 John Allen Rd.
Roxboro, NC 27573

MTC–00026441

From: racke@3-cities.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:04pm
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,
Carolyn Ewing
116 West 28th Avenue
Kennewick, WA 99337–5010

MTC–00026442

From: AlanAroman@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:07pm
Subject: (no subject)

Dear Sirs at the Department of Justice,

I object to the amount of money and time that the Department of Justice has chosen to dedicate to the Microsoft Case. It occurs to me that Microsoft has spent large sums of money to provide products to the American consumer at competitive prices that the American public have chosen to expend. Not only are the products innovative but the selection of products make us the consumer more productive assisting us to be more efficient as well.

My understanding of the proposed agreement judge it to fair, reasonable, but also hard-line. It also as reported by the press far exceeds the findings of the Court of Appeals. I contend that the American public would rather see American spirit and innovation be spent in the form of and on American products that are developed by Microsoft through research and development versus the contrary, the waste of taxpayer dollars and revenue on litigation.

Other priorities are obvious and relevant.

Thank you for your time in reading this letter.

Alan Roman
CC:fin@mobilizationoffice.com@inetgw

MTC–00026443

From: Jason
To: Microsoft ATR
Date: 1/26/02 9:09pm
Subject: Microsoft Settlement

The proposed settlement is worse than a slap on the wrist for Microsoft.

Microsoft has used many tactics to leverage it's monopoly in the computer market. The proposed settlement does not address these tactics or effectively provide recourse.

The proposal does nothing to stop Microsoft to keep using Windows licenses as leverage to increase market share.

It still allows Microsoft to use punitive measures against OEMs that ship computers without Microsoft's operating system. (Even if the end user has no intention of using a Microsoft operating system).

It does not prohibit license terms used by Microsoft to prohibit open source apps from running properly in Windows and fails to prohibt intentional incompatibilites that Microsoft engineers place in Microsoft apps to keep them from running on other operating systems.

The suggestion that Microsoft should ''donate'' software to schools is a laughably transparent coup de grace for Microsoft. It's not a punishment to be given a billion dollar competitve advantage in one of the few areas where your company doesn't completely dominate the market.

Since Microsoft more or less copied the Macintosh interface, a good start for a recourse would be to require Microsoft to pay a small royalty to Apple Computer for every copy of Windows 95 and Windows 98 sold. (under the provision that Apple be required to use a percentage of this money to subsidize low cost computer equipment to schools.) .net is the next mechanism that Microsoft is trying to use as a control lever. If .net technologies only work on IE running on Windows, Microsoft can use .net to further leverage it's position while forcing users to interact with the internet on Microsoft's terms. This needs to be addressed, possibly by making .net an open source project under the auspices of Netscape and/or Apple. Netscape might be able to monetize .net and ensure that .net technologies work on all browsers and operating systems.

I don't pretend to know the feasibility of such solutions and they may well be ridiculous but I do know this, Microsoft should not be rewarded for it's behavior.

MTC–00026444

From: Dave C
To: Microsoft ATR
Date: 1/26/02 9:11pm
Subject: Microsoft Settlement

To whom it may concern,

I want to open this with a preface. I am not an anti-Microsoft proponent and am a regular user of their products. However, I also believe that the American laws, although not perfect, need to be obeyed. I have been following the Microsoft trial with some interest for awhile now and here are my conclusions.

1. Microsoft was originally found guilty of being a predatory monopoly and ordered to be split into two pieces.

2. A panel of appellate judges found that although none of the previous judge's findings were incorrect in any way there was a bias against Microsoft and that the breaking of the company was not necessary. What struck me here was that NONE of the findings of facts against Microsoft were overturned.

3. Microsoft became a very large financial backer (for the first time ever) in the last presidential election.

4. After the election all charges were summarily dropped. As a law-abiding and voting member of this great country I find it disturbing that our judicial system can be so easily (apparently) bought out. Our fore-fathers instituted a system of checks and balances to keep one branch of government from gaining too much power over the other branches of government, and yet this seems to be the case. In a situation in which the defendant is undeniably guilty (the guilt of Microsoft was upheld by the appellate panel of judges) a campaign contribution was enough to have all charges dropped. To allow this mockery of our judicial system would be a crime unto itself and reduce the authority and respect that it has engendered over the past two-and-a-quarter centuries. This must not be allowed. I do not think that the punishment should be more than the crime permits, but clearly Microsoft has repeated broken the laws of the United States without any regard or shame. This must not be allowed. Thank you.

Dave Cowen
dback69@hotmail.com

''Teach us to number our days aright, that we may gain a heart of wisdom.''—
Psalm 90:12

MTC–00026445

From: Peter Johnson
To: Microsoft ATR
Date: 1/26/02 9:13pm
Subject: Microsoft Hegemony

Despite the restrictions placed upon the Microsoft Hegemony by the Settlement I doubt the Microsoft trust will be effected. Althought the settlement has limited Microsoft's ability to control its competition it has not hit the root of the problem. Just by giving Microsoft competition room to grow will not be able to over turn the vast hold Microsoft has on the software industry. Microsoft is to large almost all of the worlds computers already contain Microsoft operating systems that are stacked full of Microsoft's programs. To the average consumer Microsoft is synonymous with the word computer most people only know how to interact with a computer using Windows. Allowing the Microsoft corporation to survive will do nothing to create companies capable of serious competition. The only true solution to the Microsoft Hegemony is by breaking the company up to create competition within the remnants of Microsoft allowing smaller outside companies to compete directly.

Carl Johnson

MTC–00026446

From: PLAYCON@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:15pm
Subject: Microsoft Settlement

It is time to end this ''POLITICALLY BASED'' farce. I believe Microsoft has comported themselves in a professional and forthright manner throughout this politically motivated ''WITCH HUNT'' at the TAX PAYERS expense. If the well connected companies represented by the states

attorneys cannot compete in the marketplace then good riddance.

MTC–00026447

From: David M. Weatherell
To: Microsoft ATR
Date: 1/26/02 9:17pm
Subject: Microsoft Settlement

To whom it may concern:

I oppose the application of antitrust laws against Microsoft. I have developed software for 20+ years and have used several software development tools and environments. Microsoft has made my job far easier than it otherwise would have been. In fact, it has probably made possible the very existence of my job.

The integration of the operating system and user applications is crucial to my productivity, and using applications developed by the same company radically reduces the learning curve for new products. In addition, the number of software errors in these products is reduced because the same company produces all of the software. In short, Microsoft should not be punished for improving the lives of software developers and end users.

Under a system of objective law, the above information would be irrelevant. The application of justice is not contingent on public opinion. Nor is it contingent on contradictory laws that violate basic property rights and guarantees against involuntary servitude. The Federal Government has neither the moral right nor the legal authority to punish Microsoft under the antitrust laws.

David M. Weatherell
Sr. Software Engineer
(585) 217–9445
1080 Floribunda Way, Apt. G
Webster, NY 14580
CC:activism@moraldefense.com@inetgw

MTC–00026448

From: Marge@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:15pm
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,
Marjorie LaCour
838 Tomlinson Terrace
Lake Mary, FL 32746–6310

MTC–00026449

From: Ann_Blackburn@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:16pm
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,
Ann Blackburn
725 Port Malabar Blvd., NE
#203
Palm Bay, FL 32905

MTC–00026450

From: jimmal1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:19pm
Subject: Microsoft Settlement

ENOUGH!!! End this witch hunt now. I am tired of the government spending my money on lawsuits to give advantages to big-money software companies under the guise of fair trade. If netscape and Sun can't use their own resourses to compete, don't use my pitiful tax contributions to increase their wealth. Let the market place dictate terms of cooperation, not the government. This lawsuit has contributed to the recession enough. Don't let it go any further. Settle!!

Thank you.

Jim Malneritch, taxpayer and voter.

MTC–00026451

From: Jason Bergstrom
To: Microsoft ATR
Date: 1/26/02 9:26pm
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 would like to register my dissatisfaction with the proposed judgment in the U.S. DoJ vs. Microsoft antitrust suit. The lack of any meaningful punishment of Microsoft or any hint of reparations to a once competitive software industry tells me that my tax dollars have not been well spent.

Please revisit the judgment.

Thank you for your time,
Jason Bergstrom
bergie@aracnet.com

MTC–00026452

From: Gregory Liban
To: Microsoft ATR
Date: 1/26/02 9:26pm
Subject: Microsoft Settlement

Please leave Microsoft alone. I constantly sense that people are seeking revenge against Microsoft in a mistaken way. Microsoft is not a Tobacco company whose products have caused cancer. Microsoft is also not a company whom has thrived because it squeezes out competition just for the sake of market share.

Microsoft wants to give a Billion dollars worth of Computer equipment to those who need it, and whose side does the government take. Gee, not with those whom might need the computers, but with Microsoft's competitors! So where is the cancer here? Now, because its competitors aren't happy, they want to question the very decision of the court and the precepts of the decision in the Microsoft case. Come on; let's get our thinking hats on straight. What is deciding the decision of all the Microsoft issues? Is it poor competition, or poor politics? What is the cancer here? Has government killed the cancer, or is it feeding the cancer? Perhaps the government needs to take a couple of steps back and really figure out what is going on.

Why can't half the automation equipment purchased by Microsoft come from its competitors like Linux, Sun or BeOS. I can answer that! It's because it doesn't meet the need of the common user. Duh? Apple is a niche product—or at least its in many of the schools. Gee, why can't Apple be called a monopoly? Perhaps the government needs to spur across-the-board automation industry growth in non-legal means.

I enjoy Microsoft products and they provide jobs to millions of people in the computer industry. Moreover, Microsoft leads the industry in innovation and meeting the consumer's needs. Don't disrupt a company that helps all of us in so many needs. Moreover, I ask that you don't listen to all the voices that shout Microsoft hatred!

Being a politician or someone in political office isn't always popular. I know because I work in the Federal Government. But, we are always entitled to make good decisions based upon the best available information. Good or bad, easy or hard.

Thanks!
Gregory Liban
Gregory A. Liban
galiban@hot.rr.com
254–699–3460

MTC–00026453

From: Jean and Warren Doremus
To: Microsoft ATR
Date: 1/26/02 9:26pm
Subject: Microsoft Settlement

Please see attached letter.
JEAN & WARREN DOREMUS
January 26, 2002
Attorney General John Ashcroft
U S Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Permit us to offer some of our views about the Microsoft antitrust case. In our judgment,

the settlement agreement reached between Microsoft and your department is fair, reasonable, sensible and in the best interests of all parties concerned. We believe it addresses the issues that brought about the case and which nine states have approved. We see no need for further federal action, particularly while Microsoft is negotiating with the remaining states to reach an agreement.

Although the settlement may reach further than Microsoft may have desired, it recognizes that settling this case sooner is better than later. It requires Microsoft to change the way it develops, licenses and markets its software, as well as the way it deals with independent vendors.

Not only does the agreement handle past and present problems, it establishes provisions on how to deal with possible future problems. A technical oversight committee will ensure that Microsoft complies with terms of the settlement, and competitors will be allowed to sue Microsoft directly if they feel they've been treated unfairly.

There comes a time when this litigation must be put behind us, and that time is now. Certainty and stability should be reestablished in the IT sector. The cloud that has been hanging over it for all the years this case has been before the courts ought to be lifted so that the sun can once again have the chance to shine on our economy.

Sincerely,

Jean s. Doremus Warren S. Doremus

66 CAMBERLEY PLACE, PENFIELD, NEW YORK, 14526–2707

E-MAIL: DORAYMEE@ROCHESTER.RR.COM

MTC–00026454

From: KALMAN V ILLYEFALVI
To: Microsoft ATR
Date: 1/26/02 9:27pm
Subject: Microsoft antitrust case

January 26, 2002
Attorney General John Ashcroft
US Department of Justice

Dear Mr. Ashcroft:

I am in favor of the agreement reached in the Microsoft antitrust case. I would like to see the remaining states that are not party to the agreement, settle the case as well. I think their position is ridiculous. It is a shame they have not made the wise decision that the Department of Justice has made to put the case to rest.

The terms of the settlement agreement are fair and reasonable. Upon approval of the agreement, Microsoft will change the way they handle their relationships with computer manufacturers who install software that compete with Windows. They have also agreed to grant manufacturers new rights so they may configure Windows to run with other features of the competition's software programs.

Nothing more should be expected or required of Microsoft than what is contained in the settlement agreement. Thank you for your time and your efforts to settle this lawsuit.

Sincerely,

Kalman V. Illyefalvi and Phyllis S. Illyefalvi

MTC–00026455

From: Jeanpittma@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:29pm
Subject: microsoft settlement

We favor settlement. Delmar & Jean Pittman e-mail address jeanpittma@aol.com

MTC–00026456

From: raphael(u)jones Jones
To: Microsoft ATR
Date: 1/26/02 9:29pm
Subject: Microsoft Settlement

Sirs,

It is with great consternation, that I see this issue continuing to take up so much of the time in our courts at taxpayers expense. Microsoft may have made some errors of judgment, but AOL, and Netscape in particular, was attempting to corner the market themselves. They just finished last. This whole matter is about a competitive, capitalist market, and fairness for the most part is not the issue. I request that the USDOJ disallow this suit and let the market determine what it wants, and may the best, or most aggressive win.

Regards,

Raphael L. Jones

MTC–00026457

From: bobegole@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 9:33pm
Subject: Microsoft Settlement

The proposed settlement between the US Department of Justice and Microsoft is insufficient to remedy the anticompetitive practices of Microsoft.

My main concern is regarding the finding upheld by the appeals court that Microsoft ''attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies''. Microsoft should now be required to include a certified compatible Java virtual machine. In the time since Microsoft engaged in illegal conduct against Java, it has developed competing middleware which it is bundling in the operating system as part of it's so-called .NET environment. Microsoft, having engaged in illegal conduct to delay the industry acceptance of Java, now feels safe to exclude Java. This damage needs to be remedied but is not addressed in the proposed settlement. Microsoft should be compelled to include Java for a period that will compensate for the damage inflicted by Microsoft's illegal conduct.

The preceding is a minimal addition that I believe should be imposed on Microsoft. The ultimate solution is to separate Microsoft's platform development (the Window's operating system and .NET services) and the application divisions (the browser, Office, etc.). This is the only way to be certain that other software application companies can compete fairly with Microsoft applications. Until this separation is made, Microsoft applications will continue to unfairly influence extensions in the Microsoft platform and to unfairly gain advance knowledge of features available in the Microsoft platform. Furthermore, the operating system source code should be made open to other computer companies so that they may develop and market operating-system enhancements. This will allow competition in the PC operating system, which has stagnated as Microsoft merely extends their monopoly by tightly coupling applications to the operating system. New versions of the operating system have added integrated web browser functionality, collaboration applications, and other applications but, meanwhile, the operating system core has remained largely unchanged since the release of Windows 95 and Windows NT more than 6 years ago. The operating system should be made open to give others the opportunity to extend platform functionality.

Let me close by saying that it is my belief that the current stagnation in the computing industry is largely due to Microsoft's uncompetitive practices. They have not only actively thwarted competition, as found by the appeals court, but have created disincentives to competition by expanding their definition of ''operating system'' to include emerging applications and ''middleware''. Microsoft should be forced to include Java, separate the company's platform and application divisions and open the operating system to competition as a minimal remedy for their uncompetitive behavior. This will also allow other companies to compete fairly and innovate without fear that years of investment and innovation will show up as a mere feature of the next release of Windows.

Effective measures to counter Microsoft's illegal conduct must be taken to ensure the health of the US Technology industry.

Sincerely,

James M. A. Begole, Ph.D.
Computer Scientist

MTC–00026458

From: Russ Aaronson
To: Microsoft ATR
Date: 1/26/02 9:33pm
Subject: Microsoft Settlement

Russell Aaronson
5300 SW 11th St.
Margate, FL 33068

January 26, 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 teach English and SAT Prep to students at an inner city high school in South Florida. I have reviewed the documents relating to the Microsoft Settlement, and I have found several elements contained within to be highly alarming. I'm certain you have received a considerable number of responses that specifically relate to the language of the settlement, but I would like to appeal to you with a different technique. This letter will provide a few ''real world'' examples of how Microsoft's policies have hampered students'' potential for using new technologies.

On a daily basis, students enter my room to print out documents they created outside the school. They take the documents created with Microsoft Works and try to edit and

print them at school, but this never works because Works documents are incompatible with Microsoft's own Office programs that we use at school. Stunned, student after student will ask me how the same company can make two virtually indistinguishable programs on the same platform (again, created by the same company), but neglect to make them work with each other. It never occurs to them that the Works program that comes ''free'' with the computers their parents purchased is useless for the majority of their schoolwork. Unable to explain the logic or fairness behind this situation, I send them on a scavenger hunt for a working computer with Works installed so they may complete their work.

This is also a situation that the proposed settlement will not remedy. It is difficult enough to help students with programs created on other platforms (though every other platform offers some free, simple method for translating documents back and forth), let alone help them with works created with deliberately handicapped software they were forced to purchase with their computers.

The cost issue also inhibits our ability to make wise software purchases at school. Microsoft's Office suite has always been pricey for education customers, but the new ''XP'' marketing strategy could make the situation untenable. In a school where it is important to keep every available computer running for as long as possible, the prospects of purchasing productivity software that ''expires'' when a newer version arrives (or even the prospect of ''leasing'' software for the same price that used to be required to own it indefinitely) are horrifying. Of course, an educational institution has the responsibility to prepare students for the business world, so we must consider the ''industry standard'' software, regardless of cost. Put bluntly, this technique places Microsoft's software distribution strategy as the one used by drug dealers who frequent the neighborhood surrounding our school. Again, the proposed remedy does nothing to prevent this situaiton, and as such, the settlement will prove to be as practically useless as an Office XP install disc will be a year from now.

Furthermore, I cordially invite you to a comprehensive tour of our school and it's technological backbone. At Boyd Anderson High School, we take pride in our ability to overcome adversity. I simply wish I could tell my students that their government's concerns about the technological barriers to their success are more important than protecting one of the corporations that creates the barrieres.

Hopefully, your judgement will help me change this situation.

SIncerely,
Russell Aaronson
Teacher
Boyd Anderson High School
(Home of the Fighting Cobras)
3050 NW 41st ST
Lauderdale Lakes, FL 33319
(954) 497–3800, x350
Fax (954) 497–3819

MTC–00026459

From: Wilfred W Foreman
To: Microsoft ATR
Date: 1/26/02 9:37pm
Subject: Microsoft Settlement

Please settle theMicrosoft litigation now. It will not help consumers to drag out the settlement. We would be most benefitted by a timely settlement.

The proposed settlement seems reasonable and could be a help to our stumbling economy. Dragging it out further will only enrich lawyers and special interests. Please help us.

Wilfred & Imogene Foreman

MTC–00026460

From: Shirley544@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:39pm
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, Shirley Shirley 9043 Letha Lane Shreveport, LA 71118

MTC–00026461

From: echrist690@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/26/02 9:43pm
Subject: Microsoft Settlement

My name is Ellie Drew. I am president of the Institute for Conscious Change in Tucson, AZ. I wish to thank all of the public servants in the DOJ for their excellent work in pursuing the Anti-trust case against MS. However the currently proposed remedy fails to even address its own stated intents. Please consider all of the findings in the case against MS in modifying the Revised Proposed Final Judgment and come up with a new remedy which addresses these findings and the current RPFJ's stated intents.

I include here considerations for bringing the RPFJ into accord with the case findings, the RPFJ's stated intents and reasonable remedy given the nature of the situation. My views are substantially the same as those in the comment filed by Robert E. Litan, Roger D. Noll, and William D. Nordhaus. Where I differ in view is in the number and degree of separations. In number: I urge you to require all non-Operating Systems code (using the traditional definition from Computer Science and overseen by an independent panel of university professors doing Operating Systems research) be removed from the ownership of and access by the Divested OS companies. The resulting removed assets would be passed ''over the wall'' to one of three independent Application companies. These Application companies would be delineated into ''client applications'', ''server applications'', and ''development tools.'' Failure to comply with this divestiture within a one year time frame would result in the code for all products found not to have been appropriately apportioned be placed in the public domain. In degree: I urge a new Final Judgment that requires all of the resulting divested companies to make freely available for use all APIs, component/application interfaces, protocols, and other interconnections at the time of the decree and in perpetuity. Where any existing outside standards exist for any of these interfaces all divested companies would be required to implement -without extension or modification- these standards while removing interfaces which overlap any standards within a two year time frame. Failure to comply would result in the code used to implement any non-conforming interfaces be placed in the public domain. In addition all applications produced by the divested companies must be marketed and sold separately for a period of seven years. Failure to comply (such as bundling or tying in software components of different companies or components of the same company) would result in the code of the affected software component being placed in the public domain.

These remedies and penalties for non-compliance are just and due given the egregious nature of the defendants crime and behavior.

Sincerely,
Ellie Drew

MTC–00026462

From: Kathy J Hering
To: Microsoft ATR
Date: 1/26/02 9:45pm
Subject: Please settle this!!

Dear Friends-

As a senior citizen I believe it would be great idea to settle with microsoft. During the time this plan was in place under our last president, he could have been working on the terrorists and may have prevented the incident of last Sedember. I think it's about time that this country get its priorities in order.

Thanks for listening,
Bob Hering

MTC–00026463

From: nickf@primenet.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:43pm
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,
Nick Fletcher
P.O. Box 3374
Scottsdale, AZ 85271–3374

MTC–00026464

From: Lawrence (038) Sarah Ballew
To: Microsoft ATR
Date: 1/26/02 9:49pm
Subject: Microsoft Settlement

Greetings,

I am writing to encourage you in the case against Microsoft. While this company has certainly done a great job of generating jobs and profits, it has done so in a manner which is short sighted and costly to the future of computing in the USA. Please do not simply slap them on the wrist. This company needs to know that it's predatory pricing practices and it's monopolistic methodologies are inconsistent with a free and fair market.

I think one of the clearest signs of Microsoft's negative approach to the whole business of computing is their offer to flood America's schools with old, used, inefficient hardware and software as a way of making amends. That they would be allowed to push their monopolistic practices down the throats of schools is almost laughable if it weren't so typical of Microsoft's thinking. Don't let that happen.

Thank you for your patient and persistent work on this matter. I am sure that you will proceed in this matter with a long term view and with a desire to see the USA public have at their fingertips the very best software applications American companies can produce.

Sincerely,
Lawrence Ballew

MTC–00026465

From: Tom Galvin
To: Microsoft ATR
Date: 1/26/02 9:53pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. The remedy does not correct the abusive behavior of the monopolistic situation.

MTC–00026466

From: rogbryson@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:55pm
Subject: RE: MICROSSOFT JUDGEMENT—SETTLEMENT

GENTLEMEN:

CONSUMER INTERESTS HAVE BEEN WELL SERVED. IT IS TIME TO END THIS COSTLY AND DAMAGING LITIGATION. PLEASE SETTLE WITHOUT FURTHER DELAY.

THANK YOU!
SINCERELY,
ROGER W. BRYSON
5401 SHADOW LAWN DR.
SARASOTA, FL. 34242

MTC–00026467

From: Fred C Hinds
To: Microsoft ATR
Date: 1/26/02 9:55pm
Subject: Microsoft Settlement

Gentlemen:

I think the time has come that you go with the current proposed settlement with Microsoft. These people have helped provide computer equipment and other software products that we as senior citizens can afford . With their help we will have more new electronic equipment to help us and YOU with our daily efforts. In my opinion the time has come to to end this costly and damaging litigation.

Thank you for your time.
F.C. Hinds Jr.
1410 Lorrie Dr.
Richardson, Texas 75080

MTC–00026468

From: James Russell
To: Microsoft ATR
Date: 1/26/02 9:56pm
Subject: Microsoft Settlement

I was a user of Windows 98 from 1998 until just last year. I witnessed first-hand how hard Microsoft made it for me to choose Netscape. Indeed, at one point I did give up Netscape for IE just because it was simpler.

I know use Windows XP, and have been nearly forced into using Microsoft's Passport service, which I don't think is secure, forced into having IE, MSN Explorer, Windows Media Player, Windows Messenger, you name it, I've been forced to install it. What angers me most, though, is that Microsoft has made Windows more bloated and less secure by making me install the IE code (Go to www.news.com and search for ''IE'' and ''security'' and you'll see what I mean.), and it makes me angry that I must suffer these security holes because Microsoft wants IE on my computer whether I like it or not.

Forcing Microsoft to ship a fully clean version of Windows is absolutely necessary to restore competition where there now is none, on the Microsoft desktop. Moreover, OEMs need to be assured that Microsoft cannot penalize them for choosing this version of Windows. Microsoft should market this version equally as aggressively as Windows 2000 Home, Professional, or their descendants for a period of no less than 10 years. The price of this ''Windows Lite'' should be lower than the standard version of Windows enough to compensate for (A) the amount of code removed and (B) the percentage of features removed from the interface.

Further, Microsoft should no longer be able to dictate to any OEM whether a dual-boot operating system can be released on that OEM's systems in any way, nor can they be penalized, threatened, or coerced into dropping deals with Microsoft's competitors. This moratorium should be in effect for 10 years with an option for an additional 5–10 years at the court's discretion.

James Russell

MTC–00026469

From: Kenneth W Wegener
To: Microsoft ATR
Date: 1/26/02 9:57pm
Subject: Microsoft Settlement

I believe that the settlement that has been reached with Microsoft is fair and will benefit consumers. Therefore I urge that you accept that settlement and bring to an end this long trial. It will help our economy much more than continued litigation.

Kenneth Wegener

MTC–00026470

From: Geoff Murray
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

When I joined Intel in 1997, they had a well defined roadmap for releases of faster new processors. But when AMD caught up to and surpassed Intel's performance in 2000, Intel aggressively pulled in its release schedules to be more competitive. That's the kind of competitive pressure that benefits consumers.

Microsoft does not have that kind of competitive pressure. This vacuum allows Microsoft to manage its roadmap as it sees fit, and consumers just have to accept it. The question is not whether Microsoft's products are getting better (they are), it's how much better would they be if they had competition. The gap between what Microsoft is delivering now and what Microsoft would be delivering if it had competition is the measure of society's loss from Microsoft's monopoly.

As a consumer, I was appalled by the Justice Department's actions in settling this law suit. After Microsoft had been found guilty of illegally maintaining its monopoly, the Justice Department unilaterally disarmed themselves by announcing they would not seek a breakup of Microsoft. Then they announced a settlement that had no penalties, no admission of guilt, and a series of restrictions riddled with loopholes and escape clauses.

This settlement does very little to protect consumers from Microsoft's monopoly power. It creates a situation where future illegal Microsoft actions require further negotiations or further expensive, time consuming court actions to be stopped. By taking a hard line on every upcoming issue, Microsoft can delay and negotiate concessions to actions that are harming consumers. Thus, this settlement provides inadequate consumer protection.

After reading about the Enron bankruptcy scandal, it is clear that the Executive Branch and Legislative Branch have serious conflicts of interest that limit their ability to control large businesses. Only the Judicial Branch, which does not need re-election funding, has the independence needed to protect consumers from over zealous corporations. Microsoft has shown contempt for this anti-trust trial since it began. The newly appointed Justice Department leadership has shown very questionable judgment. It is now up to the Judicial Branch to assert its authority in protecting the rights of consumers by rejecting this proposed settlement.

Sincerely,
Geoff Murray

MTC–00026471

From: H Davis

To: Microsoft ATR
Date: 1/26/02 10:00pm
Subject: be fair with Microsoft

To whom this concern:

I have been following this case since it all started. I know what this is all about. Companies like Oracle, Sun, and Netscape, are after the demise of Microsoft. I hate to think what will happen to the computer industry, it will be too costly for the most of us with nothing standard. Where was these companies when the PC industry was getting started. These come lately companies are only after the free for all, after Microsoft is defeated.

Thanks for reading this.

Harvey Davis
ddavis@valint.net

MTC–00026472

From: lloydreba@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Rheboris & Lloyd Reichen
Memphis, TN

MTC–00026473

From: john spaur
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

Microsoft should be broken up.

I have been using computers since 1985 and started with the DOS operating system, before windows. Since the window operating system came into being I have seen a multitude of good software programs and the companies that wrote them go out of business. There is no reason to embed web browsers, movie and video programs, and word processing programs in the operating system. Independent software programs, designed by firms other than microsoft, can be linked with the operating system. microsoft is a terrible monopoly if it is not broken up and severely punished, one day the world will regret this tremendously. However, no one will really believe that until it is too late, and it will be too late when all of the computer operating systems are microsoft and running only microsoft programs.

MTC–00026474

From: Darlene Keefer
To: Microsoft Settlement
Date: 1/26/02 10:00pm
Subject: Microsoft Settlement
Darlene Keefer
114 Valley Road
Roundup, MT 59072
January 26, 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.

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,
Darlene Keefer

MTC–00026476

From: NancyKirch@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:04pm
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,
Nancy Crotty
10124 S. Hangman Valley Road
Spokane, WA 99224

MTC–00026477

From: Stan Strick
To: Microsoft ATR
Date: 1/26/02 10:08pm
Subject: Letter in support of Microsoft to Attorney General John Ashcroft

MTC–00026477—0001

1033 Kerria Lane
Camano Island, WA 98282
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am familiar with the settlement that was reached in November. I feel that it is a fair settlement. Further litigation would only prolong the process. I believe that the decision was reached with a great deal of effort. The time was right to settle.

If further litigation is pursued, more of my money as a taxpayer will be spent. Stop spending the taxpayers'' money as well as Microsoft's money and resolve the settlement. I think what is important are the benefits we will receive from the settlement that has already been reached. I especially feel that the computers and software in the schools are essential for our children in this age of technology.

Microsoft is making a good faith effort to appease its critics with this settlement. The provisions requiring information sharing and non-retaliation agreements will increase competition in the technology market. I support the settlement and look forward to the end of this case.

Sincerely,

MTC–00026478

From: jethro23@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:09pm
Subject: Microsoft Settlement

MTC–00026479

From: Jeff Hannon
To: Microsoft ATR
Date: 1/26/02 10:10pm
Subject: Microsoft Settlement 01/25/02
John J. Hannon
13423 S. 46th Way
Phoenix, AZ 85044
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 (Microsoft Settlement)

Dear Judge Kollar-Kotelly:

I wish to respectfully express my personal opinion to you regarding the current Microsoft Settlement as provided for under the Tunney Act.

I work for a company in Arizona which produces software utilized by infrastructure contractors (highways, dams, power plants, airports, etc.) in the United States and Canada to bid and build projects. Since the mid 1980's, this software has run atop Microsoft operating systems. We compete against several other products in the marketplace, and win clients by having a superior product and services. This firm I work for (to pay my mortgage) is attempting now to build its future software ''platform independent'', so as not to be beholden to Microsoft operating systems and applications (MS Office). Attempts such as these, to have the option of using Microsoft products, but not to have to RELY on them, is one aspect that should be considered in the Settlement.

I disagree with the settlement for two reasons:

1.The language in the Settlement gives Microsoft MORE power to stifle Free Software and Open-Source Software development.

If this is the Court's (and the Administration's) political intent, then so be

it, but constituents should be made aware of the implications, and why their government deems it so. I'm sure by now you know that the ''free'' in Free Software refers to freedom and not price.

Since our nation was built upon these principles, any settlement which infringes upon freedom is detrimental to our way of life. Regardless of Microsoft's rhetoric to the contrary, Free and Open-Source software gains customers and users because of having superior quality. This is truly the Open Market at work. Microsoft does not seem to embrace the ''open market'' concept (where inferior products can be discarded by consumers), nor the concept of freedom (freedom of choice). The settlement appears to empower Microsoft more than before they were convicted of breaking the law.

2.The Settlement is detrimental to our nation's multi-billion dollar Construction Industry.

Since the Settlement has virtually no penalty for Microsoft, and even subtly gives them added powers (J.1 and J.2), the construction industry will continue to spend billions of dollars for non-productive and non-needed operating system upgrades and hardware. This money would be better spent on investments in new jobs and capital equipment (or as profits invested in the stock market). Just at the point in time when the industry is being offered more sensible CHOICES for alternative platforms and superior applications, the Settlement appears to make attempts at beating those choices backward.

I was under the impression that the the Settlement was all about ''consumers'', not about protecting the position of a convicted monopolist. The Internet and the World Wide Web as we know it today, which was made possible by open-source software, requires little more than internet access as the cost of entry. This settlement will make it cost much more.

Thank You''
John J. Hannon
jj@hannon.net

MTC–00026480

From: Scott Dier
To: Microsoft ATR
Date: 1/26/02 10:10pm
Subject: Microsoft Settlement

To Whom it May Concern:

The Settlement with Microsoft is lacking to give Open Source software an equivilant ground in the world of embedded products. Let's say I wanted to make a device that hooked into a network with Windows machines and I just wanted it to work. In this endevour, I decided to contribute code to the samba project and was just making this device for no profit.

Now, since J,2,c says that I need to have a ''business need'' for the informations, I can't just call Microsoft up for a full API specification for a paticular communications protocol that they have.

Worse yet, if I were to be able to get that API, I have to ask permission to use the application I wrote because of the verfication requirements.

This is very counterintutive to most IETF (Internet Engineering Task Force) protocols that are used on the Internet and freely developed and distributed for the cause of interoperability. Microsoft wants to contain its communications protocols from Open Source third parties so we can't create an alternative communications platform that can walk-the-walk with Windows platforms. They could easily argue that the Open Source program using their API is going to destroy the vialibility of their business and that the open disclosure in code will allow others to develop possibly ''incorrect'' implementations of their protocols. Sometimes they might worry that a bug in their protocol design could be massaged by a incorrect implementation and that it would be the *implementors* fault for this, not theirs for designing protcols to be robust. Therfore, I worry that they will just deny anything with a Open Source license to pass their verification even if it has a compliant implementation of the protocol.

The fight isn't about destroying Microsoft, but for forcing interoperability and alternative means from the single vendor that many have been ''locked in'' to for years. This could extend the market for Microsoft, ISVs, and Open Source users and developers to work together and not have a rift in communications between platforms.

I also believe that some of the arguments that will be recieved detailing the plight of this settlement and how it helps alternative platforms for running windows applications are very important and I would like the Court to please take Jeremy P. White's comments seriously and carefully.

Lastly, I also echo the comments by Dan Kegel and his Open Letter, found at http://www.kegel.com/remedy/letter.html .
Scott M. Dier
1624 Chatham Ave.
Arden Hills, MN 55112
651–631–1827
Employer, but not speaking on their behalf:
University Of Minnesota, Computer Science and Engineering
Systems Administrator
Scott Dier <dieman@ringworld.org> http://www.ringworld.org/

MTC–00026481

From: mjlento@iwon.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:07pm
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,
Mark Lento
P.O. Box 6419
Hillsborough, NJ 08844–6419

MTC–00026482

From: rbrt3338@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:11pm
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,
Robert Hoebel
416 Madison Dr
San Jose, CA 95123–5025

MTC–00026483

From: Doug Mason
To: Microsoft ATR
Date: 1/26/02 10:15pm
Subject: Microsoft Settlement

From what I read on the proposed statement, it is only barely lifting a finger to fix the damage to the industry caused by them. This really only gives the OEMs the ability to sell a computer with a non-MS operating system, and could also dual boot. But the developers aren't helped much at all, there are no damages that Microsoft have to pay for how they hurt the companies in competition or the consumer. And as for opening up the APIs it is only going to be distributed by the MSDN, that isn't enough because they could just stash the code to the 3/4 or so of the network that is by subscription only, which in turn helps Microsoft more than it hurts it, because they will have access first, and if the competition wants to build applications that will integrate with Windows at the level that the MS products do, then it would mean paying them for it. As for the Technical Committee, it is too small for one, how much of Microsoft's source code, memos, ect.. could actually be read through with the attention that they deserve? It should be at least ten people, because Microsoft is a very large corporation and I would think produce an very large amount of documentation. And with the language that weeds out just about every ''expert in software design and programming'' that are out there. I think that

this should be changed at least to have microsoft to be forced to open their apis with no strings attached, to the entire world to view, if not the source code for the windows operating systems themselves, so that at least the competition will actually stand a chance against them, because with the present situation, and even if this settlement goes through, Microsoft will be too large to contend with by any single company, most of the competitors either become a part of Microsoft, or the companies die as a result of the microsoft product being forced upon the consumer. I hope that this settlement becomes what the Information Technology industry needs in order to regain the momentum that it had lost over the past year, and that everyone realizes that most of what is good for microsoft is bad for the industry in terms of competition.

Sincerely,
Douglas J. Mason
University Student
60456 Hamilton @ University of Oregon
Eugene, Oregon 97403

MTC–00026484

From: Debjimfl@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:15pm
Subject: Microsoft Settlement
7314 Clearmeadow Drive
Spring Hill, FL 34606
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think the settlement in the Microsoft antitrust case should be approved and implemented as soon as possible. That would be the best thing available now for America's computer technology industry, America's economy, and the American public.

Personally, I think America should not penalize successful companies like Microsoft for doing a good business, with good products, with tremendously beneficial innovations, with good, honest accounting and accountability.

The settlement will require Microsoft to give up its legal rights to its software and business practice in return for not being subjected to further costly, disconcerting litigation and the possibility of being split up, as AT&T was. For two examples, Microsoft will give away to its industry the software codes for the internal interfaces to its Windows operating system programs, and it will end its legitimate practice of requiring computer manufacturers that want to put its Windows operating system on the computer they build to put it on all or none, and as an integrated package of program or not at all. These changes, and others, will help the other companies in the computer industry.

I appreciate your leadership in settling this case, and ending the litigation against Microsoft. Let's get America back to work. Thank you.

Sincerely,
Clara J. Jones

MTC–00026485

From: JasonY
To: Microsoft ATR
Date: 1/26/02 10:11pm
Subject: Microsoft Settlement

I'll make this short and sweet.

I disagree with the current form of the MS/JD settlement. I believe it amounts to nothing more than a slap on the wrist for MS and an insult to consumers. I believe Microsoft's past behavior (even under legal restraint) clearly demonstrates that they will disregard any but the strongest measures designed to modify their behavior. Consumers suffer when an unrepentant and unfair monopolist like Microsoft is allowed to continue behavoir that is damaging to the marketplace and competition.

Thank you for your time.
Jason Young

MTC–00026486

From: Herbert Dyke
To: Microsoft ATR
Date: 1/26/02 10:16pm
Subject: Re:''Microsoft settlement''

Sirs:

It has been brought to my attention that there is great conflict regarding the Tunny Act soon to be before you.

I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

Yours Sincerely,
Senior Citizen,
C. Herbert Dyke, Jr.

MTC–00026487

From: Avonia Sullivan
To: Microsoft Settlement
Date: 1/26/02 10:14pm
Subject: Microsoft Settlement
Avonia Sullivan
416 Construction Drive
Mayfield, KY 42066
January 26, 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.

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,
Avounia Sullivan

MTC–00026488

From: richman@mail.mac.com
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 10:18pm
Subject: Microsoft settlement

To the Court:

As an end user (consumer) of computers for the past 20 years, I find the proposed settlement by the Justice Department to be woefully inadequate. My objections concern both the remedies and the lack of consequences if the stipulations of the settlement are violated by Microsoft.

Consumers like myself are slowly but surely being forced to use Microsoft products if we want to get ahead at work or use computers to make our lives more enjoyable at home. The tactics that Microsoft used to put itself in this position were found to be illegal, meaning that consumers would likely have had alternatives if Microsoft had been an ethical, law abiding corporation. I don't see any of the remedies addressing the dearth of consumer choice in PC operating system components or PC office productivity software.

As a consumer, the rise of Netscape in the mid 1990s signified an era where the computer desktop became a richer environment to work in.

No longer were computer users relegated to a mediocre Microsoft Windows environment as there was a nascent, competitive environment whose centerpiece was not the operating system, but rather the web browser. As Microsoft illegally choked off Netscape's ability to generate revenue, the internet became a stifled environment that now requires Microsoft products to function properly. This is serious as Microsoft has become the gatekeeper for every activity of every user of the internet. Microsoft has not demonstrated the ability to be ethical, trustworthy, or law-abiding in this critical role.

As such, I believe that any remedy of this antitrust suit should contain severe enforcement penalties if Microsoft violates any of the remedy provisions. Severe entails any penalties that would jeopardize Microsoft's future business prospects. This includes divestiture of the Windows operating system from other parts of Microsoft and/or publishing the source code of the Windows operating system. Microsoft has violated court orders in the past (i.e. the 1995 consent decree) so the inclusion of severe penalties is the only way to guarantee the effectiveness of a remedy ordered by your court.

To address the lack of consumer choice that has resulted from Microsoft's illegal behavior, I would prefer a remedy that forces Microsoft to publicly disclose the file formats of Microsoft Office productivity software for a period of several years. Since Microsoft file formats have become a de facto standard in

the business world, this is the only way to allow competitors an opportunity to provide alternatives in the workplace, which represents Microsoft's most important market.

It is vital that the court recognizes the need to reintroduce competition into the computer software industry.

Finally, I hope you recognize the stranglehold that Microsoft has over the computer industry. Given Microsoft's unrepentant behavior of late for wrongdoings it has committed, a weak remedy today as signified by the proposed settlement will lead to more antitrust violations by Microsoft and yet another Microsoft antitrust trial a few years from now. This would be disastrous for the consumers of computers in this country.

Sincerely,
Michael Richman
3 Hawthorne Ln
Bedford, MA 01730
richman@mac.com

MTC–00026489

From: chazandjerri@northstate.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:16pm
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,
Charles Jones Jr
3406 Greenhill Dr
High Point, NC 27265–1817

MTC–00026490

From: Jason Baietto
To: Microsoft ATR
Date: 1/26/02 10:20pm
Subject: Microsoft Settlement

As an American and a strong believer in Capitalism and free markets I have been outraged countless times by the ferociously anti-competitive practices of Microsoft. I am deeply saddened that the crystal clear analysis of the U.S. government's investigators has been clouded over this past year by the sheer financial and political influence of this immense mega-corporation.

No settlement that has been discussed thus far has adequately addressed the fundamental issues that continue to allow Microsoft to keep a lock-hold on their current monopoly. The issues are their proprietary networking protocols and their proprietary file formats.

The past cannot be undone, and splitting up Microsoft or forcing them restructure their main product offerings will result in little or no benefit to users and provide little or no assistance to competitors.

However, forcing Microsoft to openly document all of their networking protocols and file formats will give competitors the keys they need to produce software that can properly integrate and compete with the many products offered by Microsoft itself. Only by enabling true competition can the process of recovery from the damage Microsoft has caused begin.

Microsoft must not only be required to document their protocols and file formats, but they must also be tested for adherence to their published standards regularly by a third party. Microsoft must incur severe financial penalties for breaking adherence to any published standard in order to subvert the ruling and continue their aggressive non-competitive practices.

Please do not let the ending to this chapter of American history be written by the corporation that has done the most damage to the system of competition that has fueled the industrial and information revolutions of our great nation.

Sincerely,
Jason Baietto
jason@baietto.com
9701 Parkview Avenue
Boca Raton, Florida 33428

MTC–00026491

From: novent@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:23pm
Subject: Microsoft Settlement

to the DOJ;

The settlement with Microsoft is yet another breach of the responsibility of the government to apply laws consistently across all parties across the United States. How can the DOJ settle a case with almost no penalties when nine judges determined that Microsoft broke the law. It is not the Justice department's job to decide which laws it wants to enforce. You have to enforce them all without exception. It's a serious breach of trust when a company can knowingly break the law and continue to break the law, because it knows there will be no significant penalty. I am 100% in favor of competition and free markets, but the boundaries are clearly drawn and Microsoft has crossed the line. Please consider meaningful remedies. The future of many things depends on this case. Don't screw it up.

respectfully
donald guarnieri

MTC–00026492

FROM: E. Jerry Bailey TO: MS ATR DATE: 1/26/02 SUBJECT: Settle with Microsoft
1900 53rd Street N
Saint Petersburg, FL 33710
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I write to you today to show my support for the recent settlement reached between the Department of Justice and Microsoft. Bill Gates has been an integral part of the building of this nation and for that matter the world's computing abilities. He has been ingenious in the running of his company. I do not believe that the federal government has the right to persecute Microsoft.

Given these sentiments, I am pleased that there may finally be some closure with this issue. Microsoft has been making many concessions to ensure that this occurs. For example, Microsoft will share information about the internal workings of Windows with its competitors, and thus allow them to place their own programs on the operating system. Microsoft has even agreed to the formation of a technical review board whose sole job will be to ensure compliance with the terms of the settlement.

The settlement offers an opportunity to end this lawsuit and returns the country's focus back on business, where it belongs. the federal government must end its pursuit of Microsoft.

Sincerely,
Edward Bailey

MTC–00026493

From: LARRY BALOK
To: Microsoft ATR
Date: 1/26/02 10:24pm
Subject: Settle for Microsoft.

Settle for Microsoft.

MTC–00026494

From: nestor@earthling.net
To: Microsoft ATR
Date: 1/26/02 10:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I don't think the proposed microsoft settlement is good for the consumers. Microsoft uses the same tactics that the railroads used one hundred or more years ago to form monopolies. This company is bad for the US. It should be broken up into a systems company and separate application companies. The ''Dos isn't done until Lotus won't run'' philosophy is still alive in microsoft. They purposely put in bugs to prevent the competator's products from working right.

Thank you for your attention to this request.

Larry Nestor
email address nestor@earthling.net
snail mail address: 17692 Beach Blvd. Ste 309
Huntington Beach CA 92647–6811

MTC–00026495

From: crieth@bu.edu@inetgw
To: Microsoft ATR
Date: 1/26/02 10:26pm
Subject: Microsoft Settlement

The proposed settlement is a terrible idea that does nothing to correct the root of the problem. More strict action needs to be taken against Microsoft to ensure that their monopolistic practices do not continue. I trust in our government to prevent this from occurring. Thank you for your time.

Cory Rieth

MTC–00026496

From: Joe E Jay

To: Microsoft ATR
Date: 1/26/02 10:27pm
Subject: Microsoft Settlement;

If settlement would end litigation and prevent any split-ups of Microsoft, go for it. The taxpayers and computer consumers are tired of this, just as we were when Bell Telephone was keel-hauled and summarily split. Please resolve this situation. Just remember that we consumers are in the middle of it all, and whatever is executed in court, the final cost is eventually passed on to us.

Best Regards,
Joe E. Jay

MTC–00026497

From: Tim Spannaus
To: Microsoft ATR
Date: 1/26/02 10:27pm
Subject: comment

I have carefully considered the proposed settlement between Microsoft and the Justice Department. reading the full text of the proposed settlement and much commentary about it.

Given that the Circuit Court of Appeals upheld the judgment that Microsoft violated antitrust law, it is not at all clear how the proposed settlement provides a remedy proportionate to the violation.

Microsoft has already demonstrated its willingness to ignore remedies based on conduct. The only remedy that adequately addresses the violation is one that requires a restructuring of Microsoft. Then we can let market forces do their work. Enforcing conduct remedies is costly, slow and inefficient compared to structural remedies that, once done, manage themselves through market forces.

Of these, the clearest path to a competitive market lies in separating the operating system business from the application business. The OS business would find it in their interest to publish all the APIs (application program interfaces) to make it easier for all to work well in the Windows OS environment. The application company would find it in their interest to build programs for a variety of platforms to increase (or maintain) market share.

It is critically important that the OS company not be permitted to layer on application software, like media players, photo suites, browsers and the like or it will grow into another anti-competitive monopoly, driving others from the market. Microsoft continues to add application programs to the OS, reducing competition.

This is not simply a competitive issue. The monoculture of Windows computers, running too-tightly integrated mail and productivity suites has already proven to be an attractive and hard to defend environment for viruses and other malicious computer programs. The problem is not just that Microsoft has chsen to ignore many security problems, but that the objectives of ease of use and security are at odds when the solution is barrier-free passing of documents from one program to another. I would be pleased to expand on these ideas if necessary.

Best regards,
Timothy W Spannaus
Timothy W. Spannaus, Ph.D.
Research Fellow, Institute for Learning and Performance Improvement
Senior Lecturer, Instructional Technology
Wayne State University

MTC–00026498

From: friedman@filmmaker.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:29pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Antitrust Division:

I am a U.S. citizen writing in regard to the Antitrust settlement proposal with Microsoft.

My number one problem with the proposed settlement is that it does not sufficiently force Microsoft to open their proprietary file formats for competitors to use. Many of these file standards are now industry standards only because of Microsoft's anti-competitive practices.

To allow them to remain secret would be to (1) reward Microsoft for its illegal activity and (2) allow the company to maintain their monopoly.

Thank you,
Ron Friedman
Burbank, CA

MTC–00026499

From: wt.catch1
To: Microsoft ATR
Date: 1/26/02 10:30pm
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,
Cecil Pulley
1126 St. Julien Dr.
Eutawville, SC 29048

MTC–00026500

From: ASA D TUCKER
To: Microsoft ATR
Date: 1/26/02 10:37pm
Subject: Microsoft Settlement

This question was raised on a Philly radio call-in Without casting stones, it is a legitimate question. There are two men, both extremely wealthy. One develops relatively cheap software and gives billions of dollars to charity. The other sponsors terrorism. That being the case, why is it that the Clinton Administration spent more money chasing down Bill Gates over the past eight years than Osama bin Laden?

Let's get bin Laden. Dragging out this legal battle against Microsoft further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs.

Not one new product that helps consumers will be brought to the marketplace.

MTC–00026501

From: Stephen Berman
To: Microsoft ATR
Date: 1/26/02 10:38pm
Subject: ''Microsoft Settlement

To whom it may concern,

This proposed settlement is utter travesty.

Sincerely,
Stephen Berman

MTC–00026502

From: Brian Wood
To: Microsoft ATR
Date: 1/26/02 10:38pm
Subject: Microsoft Settlement

To Whom it may concern,

I'm writing this letter to state that I am not in favor of the Microsoft settlement. It is no where near harsh enough and doesn't go far enough to prevent future abuses by Microsoft.

Microsoft wants everyone to believe that they aren't the big bullies anymore, but their actions speak louder than their words. A few months ago (the day Windows XP was released to the public) you couldn't access MS NBC with a browser other than Windows Explorer. You got a message that stated they wanted to ensure that you got the right user experience so you need Windows Explorer to ensure that. The next day there was an apology from Microsoft stating that it was done in error.

We all know how Microsoft really feels and they haven't changed a bit. Why isn't Java included with Windows XP? Could it be in retaliation to Sun Microsystems? You don't have to look to hard to see Microsoft's true intentions. Microsoft proposed to donate a billion dollars worth of computer equipment, software and services. Do you really think they're concerned about the schools or out to better the market share where they don't have an overwhelming monopoly. I was insulted that they think we are that dumb to not see what they are up to. Have they really changed? These are only a couple of their actions, but what makes it extremely insulting is that they happened while they are in court over the past actions. Wouldn't you think they'd be on their best behavior instead of flaunting their supreme arrogance and belief that they are above the law? From what I've seen so far from the settlement, they have every reason to believe that they are above the law and can get away with anything they please. We barely gave them a slap on the wrist. I know it, they know it and the Department of Justice knows it. For some reason we just want this to go away.

I'm currently living in St. Joseph, Michigan and I very disappointed that the State of Michigan is one of the nine states that

settled. I intend to send my Senators and Congressman a letter stating my feelings about this.

For a company that was found guilty to have made many billions of dollars illegally, is this really much of a penalty? I will be outraged if this ends up being their so called penalty. This only attempts to level the playing field from this point forward. I don't think it even goes far enough on that account, but no where do I see anything to penalize them on the past behavior. You'd think the penalty for illegally making billions and billions of dollars and forcing many software companies out of business would be equal to the crime, or more. Wouldn't you? Do I have an unusual since of justice?

Brian Wood
1378 Ventnor Ave
St. Joseph, MI 49085
brian@actionsuperstars.com

MTC–00026503

From: G (038) K Snyder
To: Microsoft ATR
Date: 1/26/02 10:42pm
Subject: Judge Motz decision DOJ,

I favor Mr. Motz's decision and rationale. If Microsoft is to place computers in poor schools they should be ordered to place the competitor1s product (Apple).

A real-world punishment of this nature would very likely teach a lesson not soon forgotten.

Gary Snyder

MTC–00026504

From: Jay Palmer
To: Microsoft ATR
Date: 1/26/02 10:43pm
Subject: Microsoft Settlement

Dear Department of Justice:

I wish to comment on the proposed settlement of United States vs Microsoft.

I believe Microsoft should be left free to produce and sell whatever software they want to. I do not believe they should be punished or restricted in any way, for they have done nothing wrong.

Microsoft has produced many good products that have greatly helped its customers. I, along with millions of other Americans, use this company's products, such as operating systems, web browsers and electronic-mail programs, every day. I am very happy with my purchases, and I very much want Microsoft to be free to offer me its best efforts for sale in the future.

Successful companies do not deserve to be throttled by the government; rather, they deserve to have their property, which they have earned through voluntary trade, protected. The complaints against Microsoft have been made by various unsuccessful competitors. These companies, along with the government, have no right to tell me what software I can buy to run on my computer, nor do they have any right to stop Microsoft from selling software that consumers everywhere are eager to buy. Microsoft has initiated force against nobody. Microsoft, and the people who want to buy their products should be left to peacefully pursue their business. Their success is not a threat to anybody.

Jay Palmer
Bothell, Washington

MTC–00026505

From: Frankie Thomas Robertson
To: Microsoft Settlement
Date: 1/26/02 10:40pm
Subject: Microsoft Settlement
Frankie Thomas Robertson
1110 Usher Street
Mayfield, KY 42066
January 26, 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.

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.

Thank you
F. Thomas Robertson

MTC–00026506

From: Howard L Olivers
To: Microsoft ATR
Date: 1/26/02 10:46pm
Subject: Microsoft settlement

It is time to put this issue to rest. Greed on the part of state governments and trial attorneys are the only reason for continuance. Microsoft has made a fair & just settlement.
Howard Olivers

MTC–00026509

From: Shirley Nall
To: Microsoft Settlement
Date: 1/26/02 10:45pm
Subject: Microsoft Settlement
Shirley Nall
Box 442
Salem, IL 62881
January 26, 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.

Thank you
Shirley Nall

MTC–00026510

From: Rob Pixley
To: Microsoft ATR
Date: 1/26/02 10:49pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing you to comment on the proposed settlement in the anti-trust case against Microsoft Corp as directed by the Tunney Act.

My name is Robert Pixley. I am and have been employed as a software developer since 1993. Microsoft's behavior in the marketplace has lead us to this juncture. Unfortunately, each time the legal system has been involved the results have been either a slap on the wrist or outright travesties of justice allowing Microsoft to completely continue it's behavior.

The only sliver of common sense related to this issue was recent judge's denial of Microsoft's ''offer'' to supply schools with free computers and software as part of a settlement. This behavior crystalizes Microsoft's intentions; at each and every turn attempt to pervert the process and turn it to it's benefit. The offer by RedHat (a Linux distributor) to supply the software for computers purchased by Microsoft was a step forward in fixing the problems of the current marketplace. Microsoft predictably didn't take this offer up as it wouldn't have done them any good. Punishment is not meant to help the convicted. Yet Microsoft attempts this time and time again.

Microsoft has argued that the bundling of Internet Explorer (IE) into the Windows Operation System cannot be undone. For starters, this is completely false. Each and every company makes backups; so they could simply ''go back in time'' to a point when the code was separate and just ''not'' integrate it. Would this be difficult, time consuming, and expensive? Of course, but it's not Microsoft well being that should be of concern.

Next, Microsoft has said users asked for the bundling. Is there proof of this? If so, it has not been disclosed in any forum of which I am aware. From knowing many average computer users who use myself as a knowledge source of computers, I have yet to have been asked to bundle IE into Windows. Let us say for a moment that ''bundling'' the browser does increase usability and is generally a good thing. Then there should be a clear way to include ''any'' browser to do this work. If it is Microsoft saying that only IE can do the work, then that is clearly a reason they chose to integrate. And that decision specifically wounded Netscape Navigator.

If a ''browser'' is better at doing certain ''OS'' functions, than any browser should be able to do the job; not just Microsoft's browser.

Part of the proposed settlement allows OEMs to remove icons to access to IE, but IE itself still remains fully functional in the system. This doesn't stop Microsoft from in the future using the fact that their software still has it's ''illegal'' functionality. The functionality needs to be removed by whatever means necessary. Microsoft's arguement that Windows needs IE to function should be followed up by asking WHAT specifically the IE component does. If this can't be detailed then it's clear the bundling was done for harmful business reasons, not technical ones. If it can be explained what IE does better than Windows, then release this list. This way, Netscape or another company could create a browser to replace IE completely.

This nicely dovetails into documentation of the Windows API. Having done various programming projects that have entailed this area I can speak from experience it requires very thick volumes purchased 3rd party to understand what is going on. Nowhere from Microsoft is there a list of ''all'' the APIs and their specifications and usage. How can any company hope to compete when the ''rules'' of the game are held in secrecy by the opponent? Microsoft cannot be trusted to do this documentation and publication. History has shown they will not disclose anything until it is worse for them to not say anything. Just look to the recent Hotmail vulnerability; until the disoverer of the ''bug'' publically detailed his findings, Microsoft was willing to allow all it users of the Hotmail service to be vulnerable. Microsoft's response to this was to belittle the finder and say he was wrong for bringing up the problem. Microsoft does not like to have it's problems exposed; that I don't blame them for. However, when you provide the basic tool of modern economics you have different standards applied.

I suppose I could go on at length on any number of other issues but I shall close with this. Microsoft has not yet come to see that they are at fault here and need to change. This settlement does NOTHING to stop them from continuing on their current practices. The terms are so archaic and contain so much convoluted ''legalese'' that enforcing it will only require even more expensive litigation to determine whether or not it's been accurately followed. Stop this now and find a real settlement that brings Microsoft into understanding they are wrong. That will not be easy nor pleasant. But the consequences of allowing Microsoft to continue it's stranglehold on the computer marketplace are almost immeasurable. To understand just how much power Microsoft holds; attempt ONE day of work WITHOUT using Windows or any Microsoft product.

I wish you luck,
Sincerely,
Robert Pixley
12322 Oak Creek Lane, Apt 605
Fairfax, VA 22033

MTC–00026511

From: Scott Lewis
To: Microsoft ATR
Date: 1/26/02 10:49pm
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. The proposed settlement seems to do little to repair past damages or to prevent on-going damage to open and free competition in the computer software industry.

1. MS has eliminated virtually all competition in Operating Systems.

2. Many applications providers have been eliminated.

I feel this is due to three primary factors.

1. The size and early popularity of Windows OS.

2. The HIGHLY anti-competitive nature of previous preloading agreements.

3. The relationship of the operating system software and the applications software divisions of MS.

So long as the MS operating system division and the applications software division are under one company, the MS OS division will always (continue) to block the efforts of independent application software companies to compete against the MS application software division.

Currently the most competitive non-linix based competitor to MS Windows is IBM's OS/2 and the related eCS packaging of OS/2. Even this OS system is made uncompetitive due to MS's license requirements and royalties for software code included in the OS abandoned by MS years ago.

What needs to be done.....

1. Cut all royalties to MS that would make other products non-competitive. Perhaps cut the royalties period, since they were put in place during the period when MS was practicing it's anti-competitive policies.

2. Split the MS OS division from the MS Applications division. 3. Prohibit the inclusion of most application software with the operation system.

4. Put in place some form of incentive to utilize a non-MS operating system such as IBM OS/2, eCS Comm Station or a Linix based OS for pre-loaded computers sold.

5. Force the MS OS division to release ALL information regarding the use of all of the OS API's. There must be EQUAL access for all vendors including the MS Application division, Independent Software providers and other operating system providers.

Since the damage has already been done to the competition in the PC software business and critical mass has already been lost for alternatives to the non-MS software solutions, the remedies to the damage must be more than just to make the playing field level. There must be some form of support to the non-MS business community to bring the competition back to the table. The current remedy does not make for equal and open competition much less any form of punitive punishment for MS past anti-competitive practices. —

Scott

MTC–00026512

From: william fongeallaz
To: Microsoft ATR
Date: 1/26/02 10:52pm
Subject: Microsoft Settlement

I suggest that we accept the settlement that was worked out and stop trying to spend more money for something that has been taken care fo . It is hurting the PUBIC in many ways which includes, stock price and value dropping and loosing various mutual funds and individuals,costing more to buy software , and destroying the belief that you or anyone can start a business and make it grow. We arehelping those companies that cannot do it without the unfair help of government.

Thanking you in advance for your consideration.

Yourstruly,
William Fongeallaz
budfonz@aol.com

MTC–00026513

From: Linda Kluthe
To: Microsoft ATR
Date: 1/26/02 10:58pm
Subject: Microsoft case!

Your Honorable Justice,

I was most concerned to read that AOL has filed another lawsuit, and that the Microsoft lawsuits might go on for a longer period of time. I realize Netscape wishes to complain of competition problems, but in truth, as a consumer, God help me if I have to use Netscape software. I believe it is inferior to Microsoft products, and I want the freedom to chose the best product from the best company, and I do not want Microsoft to have to spend their profits on lawsuits. I want them to continue with research and development, so they can continue to provide the consumer with good quality products.

Developing superior products seems to be their only ''crime.'' This has gone on long enough.

Sincerely,
Linda Kluthe
351 4th St.
Scotland, SD 57059

MTC–00026514

From: Lucy Day
To: Microsoft ATR
Date: 1/26/02 10:51pm
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 a third year undergraduate student at the University of Chicago and an American

citizen. I am writing because I am outraged at the mistreatment of a truly great producer: Microsoft.

I love Microsoft's products. I have used Microsoft's operating system (Windows), browser (IE), office software (Word, Outlook, Excel), business software (Access), and programming software (Visual Studio, FrontPage). This is an extremely powerful and useful set of tools, and a set of products which far surpasses anything marketed by Microsoft's competitors.

Microsoft is part of my life: my schoolwork, my job, and my recreation. I want to be able to choose to keep buying and using such products. No one in the computer industry or the government should make them have to change what they sell, or share it, or charge less for what they produce.

A successful business like Microsoft is an enormous benefit to the consumer, not a threat. Microsoft offers consumers a trade: their products for our dollars. No one is required to choose Microsoft: each consumer makes his own decision. I do not ask that everyone agree with my choice, only that everyone be allowed to choose. When people do choose Microsoft, as they have done in enormous numbers, Microsoft should be lauded, not blamed.

The people who blame Microsoft for its success are the ones who can't succeed. Microsoft's competitors dragged Microsoft to the courts, not Microsoft's customers. To let the worst producers chain and persecute the best ones is not only unjust, but disastrous for the industry and its consumers. I truly hate to think what the world would be like if Microsoft were picked apart by its jealous, inferior competitors. Not only would industry standards fail, entrepreneurs in any field will lose hope and forsake ambition. Penalizing Bill Gates for his innovation and effort is no way to encourage future generations of businessmen and inventors. His customers have given him his hard-earned rewards—and in a free society, he would be allowed to keep them. America is home of the self-made man; it is home of the right to life, liberty, and the pursuit of happiness; it is the home of the right to the property one has earned; it is the home of a government designed to protect that property.

The government should leave Microsoft free to do business with its customers and partners.

Sincerely,
Lucy Day Werts

MTC–00026515

From: Barbara Wilke
To: Microsoft ATR
Date: 1/26/02 11:01pm
Subject: Microsoft Settlement

Letting a power such as Microsoft get away time and time again will RUIN this industry. Give other corperations (such as Apple, Sun, And Linux Boxes) some chance, because MICROSOFT DESTROYED EACH ONE. If you alow Microsoft to continue it's practices you can kiss Internet freedom and your Credit card numbers goodbye.

MTC–00026516

From: Harold Sullivan
To: Microsoft Settlement
Date: 1/26/02 10:48pm
Subject: Microsoft Settlement
Harold Sullivan
416 Construction Drive
Mayfield, KY 42066
January 26, 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.

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.

Thank you
Harold D. Sullivan

MTC–00026517

From: Bob S.
To: Microsoft ATR
Date: 1/26/02 10:52pm
Subject: DOJ and others

Its like Beta and VHS one wins the other is second and if people wanted other operating systems they will get and use them. AOL is looking for free money to cover their screw-up as well as those lawyers looking to profit from a few that just don't like Microsoft. We all have choices that we can make without those blood sucking lawyers and money loosing .coms looking for a free ride. Thank You from 98%

BobSnow, Aberdeen WA.

MTC–00026518

From: Solomon Akhimienmhona
To: Microsoft ATR
Date: 1/26/02 11:03pm
Subject: Microsoft Settlement

The Department of Justice,

I must comment that all allegations made against the Microsoft Organization are uncalled for,

They were the first to start making reasonable operation systems and friendly Graphics User interfaces and then they made what I would call the best web browsers. Due to the nature of Microsoft's versatility it has been able to get through the nooses of many Computer hardware, software and networking products and companies, as such, creates very little competioin for similar younger companies who create programs that can't withstand Microsoft's in the Market.

Furthermore, taking note of the market situation, the public buys more Microsoft products than others- remember, the choice of purchase still remains in their will, that simple facts demonstrates the relative efficacy of microsoft products.

In addition, logic has it that the longer you stay, the wiser and better you become, Microsoft has been around for a long time, as long as when the major public started becoming computer freindly as such they have had chances to improve thier products and services(e.g MSDOS 3.0 to Windows XP amongst others).

Finally, I feel that microsoft has been one of the best things that have happened to the computer industry and they should be let alone to produce better products and services along with other IT industries in a healthy competitive manner.

Solomon

MTC–00026519

From: SPRURE@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:03pm
Subject: Microsoft Settlement
250 Kimbary Drive
Centerville, OH 45458
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel that the Microsoft antitrust case has gone on long enough and that it is time to resolve this issue permanently. I understand that this can happen in the near future.

This settlement will benefit the economy, the industry, and consumers. Under this agreement, Microsoft must share more information with other companies, such as: disclosing information about certain internal interfaces in Windows and certain software codes and books for review by a technical oversight committee created by the government. Competing companies can opt to sue Microsoft if they feel the company is not complying with this agreement.

Allowing Microsoft to devote its resources to innovative practices, rather than litigation, will benefit all of us. I am eager to see the settlement, it its current, fair form, implemented and enforced. I sincerely hope that the Department of Justice can focus on that issue rather than allowing more valuable time to be wasted on continued negotiation. Thank you.

Sincerely,
Russell Spruill & Family

MTC–00026520

From: Christopher Hoess
To: Microsoft ATR
Date: 1/26/02 11:06pm
Subject: Microsoft Settlement

Greetings,

Having reviewed the Revised Proposed Final Judgement against Microsoft Corporation at <URL:http://www.usdoj.gov/

atr/cases/f9400/9495.htm>, I feel as a consumer and developer of software products, and a producer of electronic documents, in the areas affected by the anticompetitive practices of the Microsoft Corporation, that the Revised Proposed Final Judgement does not offer an adequate remedy for the effects of those practices.

Specificially, the original complaint against the Microsoft Corporation was made with regard to their attempts to eliminate competition in the web browser market. I feel that the current judgement has not sufficiently redressed the damage done to the World Wide Web, and furthermore, is not necessarily sufficient to prevent the Microsoft Corporation from continuing to monompolize that market. My reasons are as follows:

1) Many guidelines exist for the creation of electronic documents to be distributed over the World Wide Web, such as W3C Recommendations <URL:http://www.w3.org/TR/> and ''Requests for Comment'' issued by the IETF <URL:http://www.rfc-editor.org/>. In practice, different web browsers tend to implement these standards and recommendations in a ''quirky'' fashion, so that certain parts of these standards will be better implemented than others. In a robust browser market, content created for the World Wide Web will tend to incorporate only the parts of the standards which are supported by the majority of browsers. However, with the increasing dominance of Internet Explorer in the browser market, the content appearing there has shifted towards documents which are ''optimized'' for viewing by Internet Explorer. Furthermore, the appareance of some of these documents takes advantage of bugs in Internet Explorer, so that a correct implementation of the standards and recommendations will result in a degraded browsing experience. Because of the ''poisoning'' of web content created by this near-monoculture, alternative browsers will find it difficult to gain acceptance in the market even if Microsoft is barred from retaliating against OEMs shipping them, because current web content is essentially written to the undocumented behavior of Internet Explorer rather than current standards. I believe that Microsoft should be made to provide restitution for its takeover of the browser market, one component of which might be directed at this issue. To help redress the imbalance between Internet Explorer and other browsers due to the state of web content, an additional behavioral remedy should be to require Microsoft Middleware to respect standard protocols. To wit: Middleware such as Internet Explorer, which purports to implement ''standard protocols'' (that is, those defined by recognized consortia or standards bodies, such as the ISO, ECMA, the IETF, the W3C, and so forth), should be forbidden to retain known and corrigible breaches of those standards (known in Internet Explorer, for instance, as ''doctype switching'') in new releases of these products. This would simultaneously diminish the unlawfully obtained ability of Internet Explorer to render current content on the web in a manner superior to current browsers, and increase the relevance of the publically available standards for web content.

2) More importantly, there appears to me to be a loophole in the current settlement which Microsoft could attempt to use to avoid losing its dominance through Internet Explorer. The Revised Proposed Final Judgement specifies that Microsoft is not required to divulge information which might ''compromise the security of a particular installation''. Currently, one important use of Internet Explorer on Windows operating systems is to obtain authenticated security patches from the Windows Update website <URL:http://windowsupdate.microsoft.com/> and install them. Microsoft could potentially argue that the authentication of patches and their automatic installation is protected information under that clause of the Revised Proposed Final Judgement, and thus require the installation of Internet Explorer to obtain such patches from the Internet. Since the timely installation of patches is essential for Internet-connected users, this would essentially require OEMs to ship Internet Explorer with the operating system. However, such security updates make use of a very small portion of the Internet Explorer functionality; contrast with the small utility programs ''apt-get'', ''dselect'', and ''dpkg'', used by the Debian distribution of the Linux operating system. Any Proposed Final Judgement should make provisions to avoid Microsoft bundling unnecessary Middleware by adding security-related functions to it, much as Internet Explorer was bundled into the Windows operating system.

In conclusion, I feel that the Revised Proposed Final Judgement would neither adequately make reparation for the damage inflicted by Microsoft's illicit acts, nor would it prevent Microsoft from continuing to maintain its current monopoly of the browser market in the face of reasonable competition.

Christopher Hoess

MTC–00026521

From: kenboyer
To: Microsoft ATR
Date: 1/26/02 11:07pm
Subject: microsoft settlement

I am in favor of the proposed microsoft settlement. I think the proposed settlement is fair for all sides, and most importantly gives microsoft a chance to concentrate on software and not legal issues that do not affect the end user.

ken boyer

MTC–00026522

From: Johnny L Haynes
To: Microsoft ATR
Date: 1/26/02 11:12pm
Subject: Microsoft Settlement

Please end this farce and let consumers be in charge again.

MTC–00026523

From: George W McCarthy
To: Microsoft ATR
Date: 1/26/02 11:24pm
Subject: MICROSOFT SETTLEMENT

PLEASE BRING THIS CASE TO A CLOSE AND LET US GET ON WITH THE FUTURE IMPROVEMENT OF OUR ECONOMY. THANKS.

MTC–00026524

From: Helgi Heidar
To: Microsoft ATR
Date: 1/26/02 11:15pm
Subject: Microsoft vs.DOJ litigation

I wish to encourage early and prompt settlement of this litigation, which in my opinion is only slowing progress in technology as well as having adverse effect on the US economy. Let us move forward.
Helgi

Heidar MD, Chehalis WA

MTC–00026525

From: Lainie Howard
To: Microsoft ATR
Date: 1/26/02 11:29pm
Subject: Microsoft Settlement

Please don't let Microsoft get away with this feeble settlement. Sure, lots of school children would benefit under their proposed terms, but where is the penalty Microsoft should also pay to directly benefit the many companies they've smashed with their unfair practices??

Lainie Howard
Quicksilver Communications
lainie@quicksilvercomm.com
V: (541) 738–8464
F: (541) 757–7445
http://www.quicksilvercomm.com/

MTC–00026526

From: George Bethel
To: Microsoft ATR
Date: 1/26/02 11:32pm
Subject: Microsoft Settlement

As per the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16, aka: the ''Tunny Act'', I would like to render a thought in the matter of the United States v. Microsoft.

Being in this business most of my life, starting at age 11, I can say that Judge Jackson's ''Findings of Fact'', dated 5 November 1999, was a highly accurate document, and I hope that his conduct with the press does not taint the validity and accuracy of the document. Microsoft has unabashedly bullied, badgered and demolished an industry that was ready to exceed years ago.

Anecdotically, I offer the following as proof. In the time following Judge Jackson's ''Conclusions of Law'' based on the ''99 Findings of Fact, the entire industry has undergone a revival. Sun Microsystems has released the Java2 specification and Oracle has made two major releases of its database software. Further, IBM, which has long since abandoned its desktop development efforts, released a long awaited patch to OS/2, an advanced Operating System that could have won out against Windows in fair market situation. IBM has also started a sweeping change in adapting Linux to run on their entire product line; a change that could not have been thought of had IBM feared Microsoft retaliating for setting a non-Windows standard.

Apple Computer Inc., who has seen it's market decimated by a product that borrowed liberally from Apple's own research, has released no less then 5 major revisions of its MacOS, a company that before then, released revisions every 18 months. Apple Computer

Inc. then stopped its releases when Windows 95 was released. While some of the releases were stopped up by its very public internal problems, most of Apple's releases were allowed out because ''it was safe to do so''. Microsoft will continue to copy the MacOS, but with the Findings of Fact and Conclusions of Law over its head, Microsoft could no longer stop companies from developing for MacOS, fearing the ''Oppressive Thumb'', as Judge Jackson called it.

The above listed were the lucky companies; others have not fared so well. As I write this note (with apologies in advance for it's length), Be Inc., had its last assets auctioned off. In retrospect, Be never had a chance; it is not possible to create a new Operating System in a computing world dominated by a company and product, as opposed to being dominated by technology, as it was before Microsoft came into the monopoly position it currently enjoys. Another casualty was Silicon Graphics Inc., which just signed over the bulk of its technology patents covering three dimensional rendering to Microsoft. The cost to Microsoft was $62.5 million; the cost to SGI was the very reason for its existence in the computer business. Unless SGI has something up it's sleeve, this company will go away. The postmortem of SGI will have Microsoft's marks all over it. The list can go on, and include some unlikely ''allies'' of Windows products such as Compaq, Acer and Hewlett Packard, but in the interest of brevity, I will leave this be.

In Microsoft's defense, it is impossible to assign a direct ''cause and effect'' method to most of the company's actions and the resulting damage to the computer industry. They were more ''enablers'' that triggered a chain of events that stopped the industry in its tracks for four years and counting. The industry theoretically could have embraced ''thin client'' computing, pushed by Sun and Netscape Communications (see Finding of Fact, page 10, page 34), and embraced by Apple and IBM; but it didn't. Apple could have competed differently and slowed, or even stopped, Microsoft in the marketplace; or even in the courtroom, had they argued things differently.

But things that can be proved in a courtroom as ''Cause and Effect'' should be enforced to the full extent of the law, in the same manner that a known murderer and bootlegger can be convicted of Income Tax Evasion.

Microsoft, in no uncertain terms, demolished an industry for its own purposes. However, this brings up our, and your, largest problem: the damage is done. Nothing the court imposes can bring back the companies that died in the process of moving the industry forward. Nothing the court does can uproot the millions of people who have tied their future to Windows, and will resist anything other than their familiar product. Nothing, including the complete and utter destruction of the Microsoft Operating System and supporting company, can repair the damage done to the industry. The court can't even ensure that Microsoft won't find a new way to harm the industry.

At most, all the court can do is unlock the shackles imposed on it by Microsoft. And hope that is enough.

Respectfully,

George S. Bethel

CC:Bill Douthett,Alex Nguyen,Arthur Wu

MTC–00026527

From: beattymp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:34pm
Subject: Microsoft Settlement—Correction

Please forgive the inaccuracies of my previous email that was sent last night. This is a corrected version of my position on the settlement.

Let me begin by saying that I completely support the settlement and want this entire case brough to completion. Below are some thoughts that came to mind while reading the case against Microsoft.

First of all, the whole browser issue is a complete waste of time for every party involved, and it makes me sick to my stomach to think of how much money my government has wasted chasing this irrelevant case. As a technology consultant who has vast experience in many software platforms, the issue of the browser is ridiculous because any programmer worth their weight in beans could easily program their own browser to any operating system. Netscape had a commanding lead in browser share, which was wasted away by their own business policies.

I used to have a lot of respect for Netscape when I was consulting and building applications on their on their platform, but then I saw how their pricing and arrogance stifled innovation in the functionality and integration capabilities of their version of the browser. Microsoft made it much easier to incorporate more functionality and extend the web experience for their users.

This was also true with Java. It was great when it first came out, as the promise of the technology was the sweetest thing to hit the industry in a long time. By keeping such a tight hold on java, Sun has not only missed opportunity to advance the language, but they have kept many companies from innovating the language to provide a feature set that meets the needs of enterprise customers. When Microsoft added to java, they were only meeting the needs of their customers by filling the void in functionality that Sun refused to provide. Other companies have done the same, IBM, BEA, and others to the point that it takes a ''port'' of the code from one operating system to the next. This is completely opposite of what the early promise of java was ''write once, run anywhere''. To meet the needs of my business customers, we always have to find a vendor specific java such as IBM so that we can get the features out of the language that make it usable. If the language was submitted as a standard, these enhancement's would have been made to the language. Instead, Sun has kept the royaltees on all java licensing and has caused the rest of the industry to innovate around their stubbornness. Needless to say, I can better meet the needs of my customers by using another vendors ''flavor'' of java versus the straight Sun implementation.

The thing that bothers me the most about this case is that most of the ''facts'' (using the term loosely since I completely disagree with the previous findings of ''fact'' by the biased judge Jackson) brought to the government's legal team have come from Microsoft competitors, the ones who have the most to gain by hurting Microsoft. I have explained my thoughts on Sun, java and Netscape, and they are just a sampling of why this case should have never made it to the courts in the first place. To blanket this whole case and say that Microsoft is not allowing the industry to innovate is completely ridiculous. Microsoft should be punished for specific actions that have violated the law, and only for those specific actions. Given the amount of venture capital money that was fed into the economy over the last 10 years, there was plenty of opportunity for any company to come to market with new and compelling products. In regards to the settlement, it appears that both sides have made significant concessions to see this to an end. Ever since the DOJ brought this case against Microsoft, the economy has been in a tailspin. It appears that as long as this case is active in the courts, the chains of ''waiting to see what happens to Microsoft'' will remain, and the economy will remain stale. This tailspin has rippled into other industries and if we are ever to start recovering from this recession, this case needs to be completely settled and resolved.

Please bring this case to an end and let our industry regulate itself. If people are seeing unethical or extremely competitive behavior, they can make their own decisions on who to support with their IT dollars. If companies are explicitly breaking the law, punish them for those specific acts and do not bring the rest of the industry down (and in this case, the whole economy) with them.

Thank you,

Michael Beatty

CC:beattymp@yahoo.com@inetgw

MTC–00026528

From: Joon Hong
To: Microsoft ATR
Date: 1/26/02 11:36pm
Subject: Microsoft Settlement

To whom it may concern:

I'd like to borrow this moment to voice my comments on the Microsoft antitrust settlement.

It is my belief and assessment that the settlement which is currently being proposed is totally against of the American Public's interest, as Microsoft is clearly found to be monopoly in the findings of fact in the trial. Using a series of questionable business/engineering practices to gain software market share has put Microsoft at such unreachable place that the current proposed settlement is not going to be effective at all to bring it down to fair competing level.

It is ironic that this email is being written in hotmail which was ''purchased'' by Microsoft..

thank you,

J. Hong

January 21, 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 beliefs about the November 2001 proposed settlement reached between Microsoft and the government. First, the Department of Justice never should have sued Microsoft. It was completely wrong. Microsoft should not be forced to litigate its business practices beyond what has already transpired. As a Christian, I believe that the government was strictly motivated by greed.

The settlement constitutes a great opportunity for this country, putting disputes to rest, and allowing Microsoft to progress through continued innovation. Microsoft has agreed to have a government appointed watchdog monitor their business practices. If Microsoft breaks any term of their settlement, they will be held responsible for their actions. This is good enough for me to see Microsoft agreeing to be monitored.

The government has moved away from these values as I see it, becoming much bigger than itself, not by the people, or for the people, but by those who run the people, who own the people. As a person who lives by the good word, the people are speaking, I am one voice crying out in the wilderness, ''Let Microsoft continue onward, support this settlement without any further punishment or actions against them.'' This is in the best interest of Microsoft, the government, and the economy and for this nation.

Sincerely,

Bruce Cartwright

MTC–00026428—0002

MTC–00026529

From: alindon@cinci.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:34pm
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,
andy w. lindon
3238 moyer dr.
franklin, OH 45005–4837

MTC–00026530

From: J. Eric Humphreys
To: Microsoft ATR
Date: 1/26/02 11:38pm
Subject: Microsoft Settlement

Gentlemen and Ladies,

I have read the revised proposed Final Settlement for the antitrust case between the U. S. Government and Microsoft. I agree that Microsoft is guilty of monopolistic practices but I doubt that the Settlement will do anything to punish Microsoft for its past practices or prevent Microsoft from employing similar practices in the future.

I wish to draw your attention to the the criteria listed for membership on the Technical Committee which is supposed to monitor and enforce this agreement. I believe that, as worded, it will be extremely difficult to obtain qualified people to serve on this Committee. Specifically: The requirement that the members must forego employment by either Microsoft or its competitors for two years after such service (IV.B.2.c) is likely to discourage many qualified people from membership on the Committee. People who are experts in software design and development (IV.b.2) know that employment in this field can change suddenly. A limit of six months after service would be more reasonable.

There appears to be no definition of ''competitor'' anywhere in the document. This would make it easy for Microsoft to object to any proposed member for the Committee that Microsoft deemed detrimental to its business. Some clear definition of the term, or at least a set of guidelines which can be used to determine whether a given business is or is not a competitor, needs to be established.

The requirement that the members of the Committee by proposed within seven days of entry of the final Judgement (IV.B.3) requires that the plaintiffs and Microsoft already be in discussions with prospective members. It is unrealistic to expect qualified people to receive and accept membership on such a Committee when the pay scale has yet to be established (IV.B.6.b). When a case has dragged on this long why quibble over a few days? One or two months might be a more reasonable period for selection.

I hope that you find these comments useful. As background information: I am a Senior Consultant for Sybase, Inc. I have been a software developer for twenty years, mostly as a contractor to the Department of Defense. Most of my work for the past four years has been under the Windows NT operating system. At home I use Macintosh computers, and have for over sixteen years.

I may be reached at:
6625 Windsor Ct.
Columbia, MD 21044
410–730–8533
E-mail:
humphreys1@home.com (will be humphreys1@comcast.net after 28 February 2002)
erich@sybase.com

Sincerely,
J. Eric Humphreys

MTC–00026531

From: Trance Kuja
To: Microsoft ATR
Date: 1/26/02 11:39pm
Subject: Microsoft Antitrust Case

Dear US Department of Justice,

On the Microsoft Antitrust case, many issues concern us. As part of the public, we have views which we wish to be expressed during Microsoft's trial. The two main issues are Microsoft's bundling deal and the settlement with the states.

Microsoft should be able to have the states receive the money and forget the case. It is fair only if the money given is able to compensate for any damages/losses due to Microsoft. As John D. Rockefeller said during the Preliminary Report on Trusts and Industrial Combinations there are many advantages to trusts and other forms of ?industrial combinations.? He lists a few of the most significant advantages as ?extension of limits of business, increase of number of persons interested in the business, and power to give the public improved products at less prices and still make profit for stockholders.? Additionally, he also stated that ?combination is necessary and its abuses can be minimized,? meaning that there are minimal disadvantages which, in fact, are so trivial that they should not be any concern.

The major cause of the trial is Microsoft's action of ?bundling? software. Bundling software is a result of combining products together and having them sold without separation. Thus, people would not spend the money to buy an additional program when they already have a substitute. This has caused the Netscape/Microsoft Trial. This trial has been caused after a complete reversal in Internet Browser Usage. Around 1995 when Netscape launched its first browser, about 80% of the ?web surfers? used their software. Additionally, Microsoft had virtually none. Now, there is a complete reversal in which only about 10% of the Internet browsers used are not Microsoft's Internet Explorer. Netscape is part of that 10%, and bundling causes this whole dilemma. In addition, Microsoft's bundling its web browser with its operating system is absolutely fine. This is because if Netscape had an OS, it could also bundle, but it chooses not to. Thus, the representatives of the public should allow Microsoft to pay the states. In the case with Netscape, the courts should not punish Microsoft since Netscape could do everything Microsoft has done.

MTC–00026532

From: Catherine Hanneken
To: Microsoft ATR
Date: 1/26/02 11:41pm
Subject: Microsoft settlement

It is time to end this costly damaging litagation at Taxpayers expense It only benefits a few wealthy competitors, LAWYERS always there to spend our money for their business and special interests.

Lets get on with the situations that are more important within our higher offices.

Catherine Hanneken
4 Spencer Lane
Watchung, NJ 07069

MTC–00026533

From: travel4me@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 11:45pm
Subject: Sir;

Sir;

I FIND IT INCONCEIVABLE THAT A CAPITALISTIC SOCIETY'S GOVERNMENT AGENCY WOULD INTERFERE WITH A

COMPANY THAT GENERATED A INDUSTRIAL BOOM, AND ALLOW THE PUBLIC SCHOOL SYSTEM, A FAILURE, TO REMAIN A MONOPOLY WITH INCREASED FUNDING WITH TAXPAYERS MONEY.

SINCERLY,

Eva s. ates

MTC–00026534

From: David M. Reed
To: Microsoft ATR
Date: 1/26/02 11:45pm
Subject: Microsoft Settlement

For the past two years I have compared Microsoft to someone who appears in court for breaking the speed limit—doing 75 MPH in a 65 MPH zone. One of their primary arguments is that things have changed—that stretch of road now has signs posted for 75 MPH— and therefore they can not be guilty of breaking the law. In fact, they believe the limit may soon be 85 MPH in that area, so their actions were well within the law!

In other words, they don't believe the law applies to them. And if it did, things are changing ''so fast'' that it is irrelevant—for the ''natural order of things'' is such that they should not be found guilty of violating a 65 MPH law since whatever they might have done wrong then doesn't apply today or tomorrow. I have been involved with support of Microsoft products for over 15 years now. When Microsoft Windows 3.1 was appearing, I learned of Microsoft practices which I considered unethical. That behaviour continued (and to a great extent, got much worse over the years), but I did not know that much of it was actually illegal until I read the Department of Justice document against Microsoft in 1999. In particular, I quickly and clearly understood that what might be unethical for a new or small company could become illegal when done by a company which has a monopoly.

Having a job which involves supporting various operating systems and applications, I understood very clearly a number of facts which Microsoft, in their arrogance, felt that a judge could never understand and rule on. I was shocked by Microsoft childish attempts to claim they did not have a monopoly with their Operating Systems! I understood very clearly that a browser is an application (something the user directly interacts with) that was NOT a part of the OS, no matter what Microsoft did to ''integrate'' it—for if it were really a ''part of the OS'', then you could NOT run it on other operating systems, such as the MacIntosh or various Unix systems. Thus, to have included a major application ''for free'' (or ''bundled'') with the OS for which they have a monopoly is clearly using one monopoly to achieve another—at the clear expense of competitive products (and thus to the detriment of consumer choice, usability, etc.).

I was thrilled the court found Microsoft clearly guilty of these violations of law. But then, to my great dismay, they were to negotiate a ''settlement''. When was a murder, a car thief, or anyone else guilty of violating a serious crime against the community, ever allowed to ''negotiate'' or given any opportunity to propose how they should be punished!

I am angered by the extremely weak ''settlement'' the DOJ has proposed. I find it only slightly might limit some part of Microsoft's future actions. (But I doubt that, as Microsoft's brilliant minds have already demonstrated they will come up with some way to circumvent the law and rulings, such as their ''integrating'' the browser into the OS so that it could not be considered a separate application, and thus could not be ''bundled''. In other words, they moved to make it appear they could not be guilty of using one monopoly —the OS— to obtain another monopoly —with browsers— for they could then claim the browser was not ''separate'', and being ''part of the OS'', they could not have violated any law!) And there is nothing I can find that actually might be considered a —punishment— of Microsoft for having broken the law! They continue to flagrantly break the very same laws even now! (After all, if there is seemingly no punishment, and they can earn billions of dollars per month doing so, then they can certainly afford millions of dollars per month to tell the U.S. government that the laws do not apply to them.)

What they did to Netscape and the browser market was NOT the first time they have utilized their monopoly position to extinguish a competitor—they had done it many times before. Their recent Windows XP release clearly shows they are continuing to do that. With that, the cost of the OS continues to stay the same (or increase), in comparison to the PC hardware market, where choice abounds and every couple of years you can buy more than twice the system for less.

Name virtually any computer hardware component, and you will find a multitude of competitors, offering increased performance and features, and continually declining prices. That is NOT happening in the OS market.

The browser competition made it hopeful that the choice of OS would become very unimportant. Microsoft has worked hard to make it so that there are almost no other viable browser competitors. (And since one comes free with the OS which is sufficiently capable, why would anyone consider getting an alternative—whether it cost money or was free.) Worse, Microsoft continues to do things to make it so that users will only want to use their browser, by implementing ''non-standard'' features, or by NOT implementing standard features. Or even when they set the defaults for web page creation using their FrontPage program which are set to function best (or even only) on a PC (preferably with their Internet Explorer).

Again, their tactics are more than simple ''free market competition''. And there are laws against it (even if they or others don't think those laws should apply). And they have been found guilty of violating those laws. Now it is up to the court to do two very crucial things:

1) Assure Microsoft is SEVERELY PUNISHED for having flagrantly violated the law (including ''thumbing their noses at the court'', plus their continuing violation, which they don't believe is ''wrong'').

2) Structure a ''remedy'' that will help prevent (or at least seriously discourage) Microsoft from doing more of the same —and similar— violations.

In the early 1990's, not knowing they were actually violating laws, I strongly proposed to many people that a kind of ''Chinese wall'' be created in Microsoft so that the OS groups are nearly fully isolated from the application groups. I have been convinced for years that Microsoft should be literally broken up into separate companies.

The only change in my belief is that now instead of two companies, they should now be broken up into at least three: OS, applications, and media/internet.

I firmly believe that is best for the consumers, and for the court system. (Overseeing Microsoft is neither good for the company nor the courts nor the consumers. So long as Microsoft remains one company with so many parts, and such a background of behaviour, they will continue trying to circumvent the law, ending back in court a lot.) If Microsoft were a ''person'', the only way to prevent them from their habitual criminal activity would be to ''lock them in prison'', where they would be less capable of harming the consumer! (And as punishment for their crimes, together with payment of fines and possibly confiscating the property they used in, and for, committing their crimes.) It seems rather harsh, and may even jeopardize some of my career (that has been spent so extensively in supporting Microsoft products). But I know that consumers have been hurt, I know that Microsoft has broken the law, I know that Microsoft does not want to obey the law (they truly believe it does not apply to them!), and that for justice to be done, Microsoft must be punished, and prevented from further crimes against consumers and the market. In advance I thank those involved who will NOT consider these issues politically, nor simply approach it as allowing Microsoft to ''buy their freedom to violate the law''. Please see that justice is done. (And since they show not even a semblance of guilt or repentance, mercy does not need to be considered!)

David M. Reed david—m—reed@hotmail.com

Hm 360–653–8673 Wk 425–335–2460

MTC–00026536

From: Andrew McKenzie
To: Microsoft ATR
Date: 1/26/02 11:46pm
Subject: Microsoft Settlement

Respectfully, I see a few problems with the Proposed Final Judgement in the Microsoft Antitrust Case:

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.

Thank you,
Andrew J. McKenzie

MTC–00026537

From: jbarrett06@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:44pm
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,
Myrna M Barrett
P O Box 660
Linden, TX 75563–0660

MTC–00026538

From: csbatchelder@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:49pm
Subject: MICROSOFT SETTLEMENT
To Whom It May Concern:

I strongly recommend that the litigation against Microsoft be dropped it has been well served and the time to end this costly and damaging litigation has come.

The Settlement will certainly be in the ''publics best interests.'' Consumer interests has been well served and it is time to STOP. So please settle it NOW.

Thank you.
Sincerely
Orvella Batchelder

MTC–00026539

From: crewcut@erols.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:46pm
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,
Ron Pillar
2001 Ruffs Mill Rd.
Belair, MD 21015

MTC–00026540

From: dmwworking@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:49pm
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,
David Wallace
Box 22
Springdale, WA 99173–0022

MTC–00026541

From: lmath
To: Microsoft ATR
Date: 1/26/02 11:53pm
Subject: Microsoft Settlement

Enough is enough, this is a just and more than fair settlement for a company that gave us software and charged us nothing for it! Let the whiner's shut up and take the profits they didn't deserve!

Please we as a country are at war. Enron and thousands of its employee's are bankrupt. Why continue a suit against a company that hurt no one instead of dealing with real issues like war and bankruptcy?

Settle this suit!
Lynette Matheson

MTC–00026542

From: vincehohn@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:52pm
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 Hohn
PO Box 237
Jefferson City, MT 59638

MTC–00026542—0001

MTC–00026543

From: Christopher A. Smith
To: Microsoft ATR
Date: 1/26/02 11:55pm
Subject: Microsoft vs U.S.

The only way to stop Microsoft from abusing its monopoly power is to take its monopoly away. The company needs to be split into several entities with their own Operating Systems divisions so that they would have to compete against each other for market share. The operating system should not be allowed to bundle software such as Internet Explorer or Windows Media Player. This should be left up to the computer manufacturers to add value to their systems.

This would further benefit consumers in allowing more competition and bringing down prices even lower than they are now.

In addition to splitting up the company, Microsoft needs to pay damages to companies that were harmed by Microsoft's illegal practices. Netscape, Corel and Apple Computer are just a few of that were severely harmed.

Sincerely,
Christopher A. Smith
Docs4Macs
Doctor of MacIntology
Phone: (804) 839–5422
e-mail: chris@docs4macs.com

MTC–00026544

From: J J Simas
To: Microsoft ATR
Date: 1/27/02 12:02am
Subject: Microsoft Settlement

I have been following Microsoft's business methods for some time. And as a graduate of both Computer Science and Philosophy, I have excellent qualifications for opining on this settlement. I'll leave the arguments and details up to someone who is more knowledgeable of law but what needs to happen is the following.

First let me state what is true:

Software and hardware exist at certain levels.

The lowest level is hardware.

Above that are hardware drivers.

Above that is the operating system.

Above that are the applications.

Above the applications are more applications...

That is, each higher level, makes use the lower level.

Then what needs to happen:

What needs to happen is to require any company that makes products at more than

one adjacent level to publicly document their application programming interface. This isn't a drain on resources for them because if they are developing at both levels, then they have already produced the documentation. This ensures that competition can exist even in the presence of a monopoly.

File formats must also be open not only to ensure competition (which will ensure the best products survive which helps ensure that we survive) but also so that our data isn't taken away from us. If our data is in a file with a proprietary format, and if the software publisher isn't the only person knowledgeable of that format, then that person can demand whatever price so that we can access our data and that publisher being the only person who knows the format can disallow us from transferring our data to any other format.

Jason
J J Simas
BS in CSci and Philo (Sep 2001)
http://chart2d.sourceforge.net/jjsimas

MTC–00026545

From: newcutashlar@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:03am
Subject: Microsoft settlement

Recommend further litigation against Microsoft in the interests of fair competition and true capitalistic economics :

1. Microsoft should be fined severely for attempting to develop a monopoly in software, as proven in court and so adjudged.

2. Microsoft should have the Operating System development separate from the applications development, by fair application of anti-trust law. Two separate entities, in other words.

3. Microsoft's OS code should be made available to all software developers to allow competitive applications development.

Glen L. Keener
14027 Spring Lake Road
Minnetonka, MN

MTC–00026546

From: jimmundy@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:01am
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 Mundy
307 Westwood Lane
Madison, IN 47250–2973

MTC–00026547

From: Michael Deming
To: Microsoft ATR
Date: 1/27/02 12:07am
Subject: Microsoft Settlement

This settlement will do nothing more than give Microsoft inroads to one of the few markets that it does not yet monopolize. If the DOJ wants to help education with settlement thats fine and good, but do it by making Microsoft pay into a fund that allows schools to purchase the software and hardware of its choice. The education market is one of the few markets that competitors have had some success competing with Microsoft. If this settlement is not modified the education market could see the same competition squashing Microsoft that other markets have seen, and this time with the Governments help.

In general, I do not think that this settlement is harsh enough. Even if the settlement is revised as I mentioned above it is only a small slap on the hand, and will not make Microsoft change its competition squashing ways. Microsoft will only work harder to better disguise it. It is unfortunate that some originally very good software programs have been almost completely eliminated by Microsoft. Programs like Netscape and WordPerfect were once good competitors to Microsoft but due to Microsoft's ways they have become minor players in their areas with the only major player being Microsoft. This is very unfortunate, because if these programs, among others, were the competitors they once were, we would see more innovation and better products. This can also be said when it comes to operating systems.

In closing, I know that in the computer industry, history has proven that the best product usually doesn't gain market share. The program that is the most ''compatible'' (or marketed as such, which is usually the case) wins the market share points. I know that this is unlikely to change in the near future if ever, but it would be nice to see the better product have enough market share to be able to stay competitive and stimulate innovation and better products. For the most part, Microsoft has not allowed this to happen if they have a competing product.

Thank you.

MTC–00026548

From: Thomas Cook
To: Microsoft ATR
Date: 1/27/02 12:09am
Subject: Microsoft Settlement

The stipulations against non-profit organizations that are included in Section III (J) and (D) are appalling. Microsoft's main competition is from open sourced, free software that is produced by non-profits. These articles strengthen the monopoly that Microsoft holds. Please don1t strengthen Microsoft.

Thomas Cook aka EEvil Tom
tncook@online.emich.edu

MTC–00026549

From: Beverly Lincoln
To: Microsoft ATR
Date: 1/26/02 11:42pm
Subject: Microsoft Settlement

This e-mail is sent in support of the proposed settlement agreement wherein Microsoft will donate more than $l. billion in cash, training and software to help make computer technology and software more accessible to public schools serving nearly 7 million of America's most disadvantaged children. I believe this is a fair and reasonable solution that will benefit consumers, the high-tech industry and the overall U.S. economy.

As a business manager, I have gone through many years of utiliztion of computer hardware and software, as well as purchased computer systems for personal use. I have used both browsers and judge them on their own merits. I admire Microsoft for their innovation to develop usable, practical, software systems. I believe that in the current situation of the economy, and our need for the best in high technologies, time and money spent should be in the areas of innovation, development, and production by all companies, rather than spending time and money for continuing court expenses and politics. Microsoft's competitors should spend their time and money on innovation in producing software products that stand on their own merit.

Thank you for this opportunity to submit my comments on this very important issue.

MTC–00026550

From: B. Forster
To: Microsoft ATR
Date: 1/26/02 8:14pm
Subject: Re: Microsoft Settlement

I think the terms of the settlement are more than adequate and the Microsoft competitors and the nine dissenting Attorney Generals should back off. We need to get the economy moving again. The Country is in dire need of stimulation, innovation and not LITIGATION. Dragging this out is costly and counter productive.

A concerned fellow American

MTC–00026551

From: PJones5220@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:20am
Subject: Microsoft Settlement

I urge the acceptance of the Microsoft antitrust settlement that is awaiting final adoption. From what I read in the press it meets the intent of the court of appeals. In my opinion, dragging this out any longer at the insistence of Microsoft's competitors and the renegade states is good for lawyers, but not good for the high tech industry, or the states, as a whole. I believe the faster this case is settled the better.

I am not a Microsoft employee or investor so my opinion is not based on financial gain.

Thank you for considering my opinion.
Sincerely,
Peter Jones

MTC–00026552

From: Rebecca E Frankel
To: Microsoft ATR

Date: 1/27/02 12:19am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC:
rfrankel@MIT.EDU@inetgw
MTC–00026552—0001
Rebecca Frankel
MIT Laboratory for Computer Science
Room 435, 200 Technology Square
Cambridge, MA
rfrankel@mit.edu

Response to the Proposed Settlement of the Microsoft Case:

I am writing because I am unhappy about the proposed settlement of the Microsoft antitrust trial.

I do not wish to try to enumerate the flaws of the settlement. I think other people have done a good job of that; for instance, I approved of Daniel Kegel's petition and signed it. In addition, I feel uncomfortable saying anything that might imply that I know better than the judge how to decide issues of law or apply them to a remedy. I am a software engineer; I don't know anything about law. The only special understanding I have is of technology.

However, the problem of the ''understanding of technology'' is an issue in this case. There has been much griping in technology circles that this settlement shows how thoroughly the legal system doesn't ''get'' technological issues. But most of this griping is just that griping. You legal people must wonder about us: if there really is something you don't ''get,'' why can't we explain to you what it is? For instance, recently an engineer complained to Lawrence Lessig:

''Members of the judiciary are largely unqualified to comment or judge upon issues of a technical nature, simply because their careers do not incorporate a great deal of technical knowledge, and also because they have not sought it ... My concern is that...we won't have a lot of judges with a high awareness of the intricacies involved for several years. However, the judges presently sitting are essentially creating a body of law to govern what they do not understand.''

In reply, Lessig shot back a challenge to us:

''There was a time when I thought that lawyers wouldn't do too much damage... All that has changed now ... This is, in part, because courts don't understand the technology. But I don't think it's because courts don't know how to code. I think the problem is that courts don't see the connection between certain kinds of technology and legal values. And this is because we've not done a good job in demonstrating the values built into the original architecture of cyberspace: That the Internet embraced a set of values of freedom...that those values produced a world of innovation that otherwise would not have existed. If courts could be made to see this, then we could connect this struggle to ideals they understand. Sometimes when I read Slashdot debates, I wonder whether you guys get this connection either... And this leads me to the greatest pessimism: If you guys don't get the importance of neutral and open platforms to innovation and creativity; if you get bogged down in 20th century debates about libertarianism and property rights; if you can't see how the .commons was critical to the .com revolution, then what do [you] expect from judges?

You guys ... built an architecture of value. Until you can begin to talk about those values, and translate them for others, courts and policy makers generally will never get it. Lessig is basically telling us we are being a bunch of inarticulate crybabies. He is right. If we want to claim the right to complain that courts do not understand us, we need to provide a ''translation of our values'' in terms that a layman can understand.

My goal in this letter is to attempt to provide such a translation, and then use it to make an analysis of the nature of the public interest in the settlement of the Microsoft trial. I am deeply involved with the society that created the values to which Lessig refers. I have spent a large part of the last eight years at the MIT Lab for Computer Science—a place whose extraordinary qualities were better characterized by another student from my floor:

[I]t is tough for most people to imagine a building where a young nerd can walk out of his office on the 4th floor, argue with the founder of the free software movement (Richard Stallman), annoy the authors of the best computer science book ever written (Abelson and Sussman), walk up one floor to run a few ideas past Dave Clark, Chief Protocol Architect for the Internet from 1981–1989, and walk down two floors to talk to Tim Berners-Lee, developer of the World Wide Web.

I know all these people; many of them feel like family to me. I know what they care about, what they hope for, what they dream about, what they fight for, and what they fear. I never imagined that, as an MIT engineer, so much of what I would struggle with would not be the ''intricacies involved'' in the practice of engineering, but instead the problems of defining and communicating the value that technology can and can't provide to society. The engineers here are in a constant battle to prevent society from destroying the value they try to build for it: this struggle takes up so much of their energy that it is hard to think of what they do as just engineering anymore. I do not like this: I want to simply be an engineer. I wish that you, the court, could take from us the job of defining and communicating values, so we could go back to being ordinary engineers. It is much more natural for you to take on this role, than it is for us to have it. But in order for you to do that, first we would have to explain these values to you.

I am unhappy with the proposed settlement because it shows how deeply the courts do not understand the value that engineers here are trying to build. I could pick on the specifics of the settlement terms ad infinitum, but I feel it would be a pointless exercise, because only a basic failure of understanding of the nature of the public interest could make such a flawed settlement seem acceptable in the first place. But if I claim that there is a basic failure of understanding, that raises a question: ''What exactly is it that I think government officials don't understand?'' It is rather shocking that we have failed to effectively answer this question. We have told you many things: long stories of power struggles in the browser market, mind-bendingly technical analysis of the proper design of network protocols, plenty of satirical accounts of Microsoft's shady shenanigans, and many other similar things. But we never have given a simple answer to the simple question ''What is the nature of the public interest in all these matters?'' It is the goal of this letter to try to fill this gap. I will make my argument in a context so ordinary that it may well seem childish, but please bear with me: in my silly example, I think I can capture the essential issues at stake and then tie them back to our complex and confusing real situation.

So here is my simple picture—instead of talking vaguely about the ''old economy'' and the ''new economy,'' and about the mysterious difference between them, I want instead to talk about two ordinary household tasks: mowing the lawn and cleaning the basement. In my picture ''mowing the lawn'' will represent the old economy, and ''cleaning the basement'' will represent the new. (I warned you this would sound silly; but please hang on—it is not as dumb as it sounds). Why did I choose these particular examples? Because I think the fundamental change that we are calling ''the appearance of a new economy'' is a shift from an economy that strives to increase productivity by automating manufacturing, to one that strives to increase productivity by automating organizational tasks. The new frontier is the reorganization of supply chains and business processes to take advantage of ''information technology''—the ability of machines to do the organizational tasks that used to be handled by armies of clerks and middle managers. But this shift is so huge, complex, and hard to picture, that I want to pull it down to earth and discuss its central principles in the context of the kind of organizational task we all are familiar with: the problem of how to bring some order to a messy basement. By way of contrast, I want to compare this task to another one we all know and love: the problem of how to tame an unruly lawn. (You might ask, how is mowing the lawn manufacturing? Well, it is manufacturing shorter grass.)

Now that I have identified my representative ''industries'', I want to talk about how we can think about the nature of the ''public interest'' in the context of these tasks. As I continue this description, I hope you will see the advantages of translating our discussion to such a down-to-earth context. In this setting, it is easy to use one's ordinary intuition to understand the public interest in a conflict. Maybe it is hard to interpret the public's interest in the ''future of an online architecture for e-business,'' but how hard is it to think about what you want for the future state of your basement? I want you to see what our conflict with Microsoft would look like if it occurred in this ordinary context.

So, to start my story, let me describe a conflict which illustrates a threat to the public interest in the context of the ''old economy.'' Suppose I need my lawn mowed, and the kid who I usually hire to push my clunky old gas mower around the yard, instead shows up to work with a shiny, spiffy

new lawnmower of his very own. He has broken his piggy bank to buy it: he is very proud of himself and shows it off to everyone on the block. His beautiful new lawnmower mows the lawn twice as fast as the old one did. As a result, he can mow twice as many lawns in the same time. Pretty soon he is raking in the cash. He is making so much money, he can afford to lower his lawn-mowing rates, so he begins to steal business from the other lawn-mowing kids on the block. The other kids get upset. ''He's cheating!'' they cry. They gang up on him, beat him up, and smash his new lawnmower. The original kid, recovering in the hospital, appeals to the adults on the block for justice. ''The other kids were jealous of my success!'' he cries. ''They had no right to hurt me or my lawnmower. You should protect me so that nothing like this ever can happen again!''

Should the adults listen to him? Absolutely. Not only was what happened to the kid unfair, it also damaged the public interest. When a kid can mow lawns twice as fast for less money, everyone on the block benefits. He put considerable investment and risk into obtaining his lawnmower, and it provided a benefit for everyone. Yes, he also made a lot of money from his new lawnmower, and maybe he was a little obnoxious about showing it off, but his good fortune was good fortune for everyone. Therefore, his investment deserved to be protected from the destructive jealousy of the other kids. The rich kid should be protected, and the jealous kids should be punished.

Now, to continue, let me introduce another story of a situation which causes harm to the public interest, this time in the context of the ''new economy.'' Suppose I decide to hire a kid to help me clean my basement. This kid works very hard, sorting all the stuff in the basement, building appropriate-sized boxes for various categories of stuff, and carefully labelling all the boxes so it is easy to find things later. His hard work is useful to me: it helps me find things more easily. But there is trouble in my little paradise. One day, my little helper cannot come, so I hire another kid to help out. But this kid is different. He is careless: he puts things in the wrong boxes, and mislabels the boxes. Worse, he is devious: he discovers that if he puts things in the wrong boxes deliberately, and labels the boxes in a scrawl only he can understand, then he can make extra money off me, because I will need his help to be able to find things again. Worse still, he is ambitious: he realizes that if he puts the potting soil in a place where only he can find it, then pretty soon I will be forced to ask him to take charge of organizing the gardening shed as well. Thus he can double the amount of money he can make off me, and there is nothing I can do about it.

So how do we think about the ''nature of the public interest'' in this situation? Well, in order to answer that question, it is important to ask first ''what is the result I am trying to achieve?'' If I hire someone to clean my basement, the result I want is a well-organized basement, a basement in which it is easy to find things. The kid who worked hard to sort things accurately and label the boxes clearly helped me achieve my goal. The kid who deliberately mislabeled the boxes and misplaced the potting soil did not help me achieve my goal. He hurt my interests, not merely because he over-charged me, took over my basement, and hatched devious designs on my gardening shed, but much more simply, because he failed to deliver to me the basic effect I wanted and needed. I needed a basement where I can find things easily: he didn't give it to me. By contrast, the first kid, the one who built me a good system of well-organized, well-labelled boxes, did give me the effect I needed. The first kid's actions served the public interest; the second kid's did not.

This observation is the whole secret to understanding the ''architecture of value'' of which Lessig spoke. What is an ''architecture of value?'' It is nothing fancy: one can think of it as an information architecture that would remind one of a well-organized basement. This architecture is valuable because the careful sorting and clear labels make it easier to find things. There is nothing terribly subtle or difficult about this idea. The only really deep concept here is the observation that it is useful to ask the question: ''what is the fundamental goal we are trying to achieve?'' We are entering into an ''organization economy,'' and in such an economy, we want to achieve the goal of being well-organized. These central value of such an economy is no more complicated than the admonition we have all heard a thousand times from our mothers: ''it is nice to put things away where they belong so it will be easier to find them again later.''

But if it is all so simple, why does it seem so hard? It seems hard because it IS hard, but it is not hard because anything about the situation is complicated. It is hard for quite another reason, which I want to illustrate using a third story. This, my final story, is a classic tragedy.

Let us suppose that the first kid I hired to clean my basement returns from his vacation and ventures downstairs to view the state of his handiwork. When he sees what the second kid has done, words cannot describe what he feels at the sight of the ruin of all his hard work. He grabs the second kid by his shirt collar and drags him to me to face judgment. ''He's cheating!'' he cries. (He doesn't say much else: unfortunately this first kid—though a good, honest worker— is not exactly the articulate type.) The second kid replies: ''He is just complaining because he is jealous of my success! He has no right to handle me this way or damage the valuable ''intellectual property'' I have created. You should protect me so that nobody can ever treat me like this again!'' Now when I hear these words, I remember my earlier trauma when I witnessed the kid with the new lawnmower get beaten up by a jealous gang. I remember how I pledged to the kid on his hospital bed that nothing like that would ever be allowed to happen again. This recollection plunges me into a state of fear and confusion. The first kid comes to me and begs for the right to re-label the boxes correctly: it is hard to deny such a heartfelt request. On the other hand, I made a solemn pledge to the kid in the hospital that I would never, ever allow anything like the disaster that happened to him to happen to anyone else. I am riven in two: I do not know what to do.

So I propose a compromise. I propose that certain of the boxes in the basement are to be declared ''Middleware'', and I will require of the kid who now owns the organization system of my basement that he reveal the meaning of the labels on those boxes. To protect his ''intellectual property,'' I only require that he reveal these labels to another party when they agree to sign a non-disclosure agreement. The second kid is happy enough to agree to that, especially since he alone knows exactly where he has hidden the potting soil, and he has carefully made sure that the box where it is hidden is not declared ''Middleware.'' In this way, his designs for the takeover of my gardening shed are unaffected. Since summer is coming, the control of the gardening shed is the only thing that really matters anyway, so he loses nothing by signing on to my ''compromise''.

Now, what can we say about this compromise? Should I say that it is a bad compromise because I was not careful enough to locate the hidden potting soil before I settled on my definition of ''Middleware''? Should I say that it is unfair to require people to sign a non-disclosure agreement whenever they want to get a hammer from the basement? I could say all these things, and more, but they seem to skim over the surface of the problem. Much more fundamentally, this compromise represents a failure to think clearly about what we are trying to accomplish. It is in our statement of the nature of the values which we are ''compromising'' that we have failed. We have failed to understand the essential values that we are pledged to protect.

To appreciate the tragedy of this failure, imagine how this situation would appear to the first kid, the one who cares more than anything about properly organizing the basement. He worked hard and honestly to do the very best job he could, but to no avail: all his hard work was ruined. It wasn't even accidentally ruined—it was ruined on purpose. But when he tries to protest about this betrayal of his values, not only is he not listened to, he is also treated like a jealous, violent gang leader. Since he is not a sophisticated kid, he cannot figure out why any of this is happening to him. It simply feels to him like all the adults around him have gone mad.

I might ask: what exactly were the essential values I failed to understand when I devised my compromise? One might say that my compromise shows how little I understand the values associated with the ''new economy.'' It is true that I have failed to understand how overwhelmingly important it is to have clearly labeled boxes in my basement. But this concept of ''value'' in the new economy is so very simple and easy to understand, that one might also maintain that I understood it perfectly clearly. When I insisted that the ''Middleware'' boxes should be clearly labelled, I showed that I DO understand what constitutes value in the new economy.

Nonetheless, my judgment was confused, but it was not a lack of understanding of the new economy that caused this confusion.

Instead, my judgment was clouded by the pain and confusion that the reminder of an old-economy conflict invoked in me. I ran into difficulties because I was led to apply ''old economy thinking to a new economy problem.'' In particular—this is the key point—my real failure came not from a failure to understand the values of the ''new economy,'' but from a failure to understand the values of the old one. When I promised to the kid in the hospital that nothing like what happened to him would ever be allowed to happen again, I did not define very clearly in my head what exactly it was I was pledging myself to protect. What exactly did I promise? Did I promise that in every circumstance where a rich and successful kid was challenged by a poorer, less successful kid, I would always side with the rich kid?

NO, that is not what I promised. I made the promise to the kid in the hospital because I saw that his good fortune was good fortune for everyone, and therefore I pledged myself to protect it. But when I later found myself in a situation when a rich and successful kid demanded that I protect his good fortune, I forgot the rationale behind my original promise. If I had remembered it, I might have thought to ask myself ''in this new situation, is this rich kid's good fortune good fortune for everyone?'' Hopefully it is clear that this question receives a rather different answer in this situation. So, does my old promise bind me anymore? Am I required to devise a compromise between the interests of the two children in my charge? No, such a compromise doesn't make sense. I could make things much easier on myself if I just worried about protecting my own interests. My interest is to be able to easily find things in my own basement. The first kid fought for my interests, the second kid did not. It is that simple: there is no need for the terrible pain and confusion this case evokes, or the strange and convoluted compromises that are the result.

So, to wrap up my story, I want to summarize the four conceptual errors I made which drove me to devise Such a thoroughly flawed compromise.

First, I made two mistakes in my understanding of the ''new economy'':

1. I did not understand how much value the first kid provided for me when he carefully sorted and labeled all my stuff.

2. I did not understand how badly the second kid hurt me when he destroyed this careful labeling system. I did not understand how dangerous it is that I have become dependent on his aid to find anything in his system of artfully mislabeled boxes. Second, I made two mistakes in my application of principles that came from the ''old economy'':

3. When the second kid claimed to me that I had an obligation to protect his incentive to invest, I forgot that the statement of this obligation is that we must protect the ''incentive to invest in machinery to make a manufacturing job more productive.'' I need to protect a kid's incentive to break his piggy bank and buy a lawnmower, or I will have to put up with the fumes and noise from my old gas mower forever. But this obligation does not apply to the conflict between the kids who are cleaning my basement, because there is no machinery that will aid the task of ''manufacturing'' a cleaner basement. So there is no need to protect the incentive to invest in such machinery.

4. More generally, I made a mistake when I failed to notice how the second kid manipulated and abused my commitment to the values of the old economy with his carefully chosen words. Earlier I said that this kid was careless, and worse, devious, and worse still, ambitious. But worst of all, he is manipulative. He is perfectly willing to take our most central, sacred values and twist them into a empty caricature of themselves to serve his own interests. It is our mistake and our shame that we cannot see what is being done to us.

So now I have completed my story. I have explained the essential failures of understanding that caused me to make a dreadful mistake. I promised earlier that when I was done I would take the lessons I have explained and tie them back to our complex and confusing real situation. So I will describe again the four mistakes I have just identified, this time as they appear in the real world. I contend that this settlement reveals that public officials fail to understand four important concepts that are crucial to understanding the nature of the public interest in the conflict with Microsoft.

First, it reveals that there are two ways that public officials basically misunderstand the ''new economy.''

1. They do not understand the tremendous value to society provided by the creators of the open standards of the Internet, the World Wide Web, the associated free software that supports the Internet (Apache, Bind, Perl, etc) and the free operating systems Linux and BSD. They do not understand the tremendous value to society of open, well-specified APIs on every level of the information architecture we are trying to build to support the future productivity of our society.

2. They do not understand how badly society is hurt by Microsoft's manipulation of its APIs and file formats. They do not understand how much the constantly changing proprietary file formats hurt ordinary people's ability to get work done, nor do they understand the loss of potential productivity that occurs when a API is obscured or destroyed. They do not understand how Microsoft's control of the platform hurts the prospect for real competition and progress in the computer industry.

Second, more seriously, it reveals two ways that public officials are confused about how to apply the values of the ''old economy'' in this new situation.

3. They haven't noticed that, just as you don't need a lawnmower to clean a basement, you don't need a lawnmower to write an operating system. All the effort to preserve a delicate balance between the need for open APIs, and the need to preserve the incentive to invest, have missed the point that we are protecting the incentive to invest in a purely imaginary lawnmower. There is no machinery that will make the job of writing an operating system any easier, so there is no need to protect the incentive to invest in imaginary machinery.

4. Finally, they haven't noticed that Microsoft is lying to them. Microsoft is lying in a horrible way: they are invoking the values that honorable public officials have spent their whole lives protecting, and they are manipulating them, using them, twisting them around so they come to mean something entirely different. The government does not detect this duplicity—that is their greatest mistake. We engineers have a name for these kinds of lies: we call them FUD, which stands for ''fear, uncertainty and doubt.'' We watch Microsoft deliberately spread fear, uncertainty and doubt in the government, the courts and the general population, and we view with amazement and horror the enormous power that these lies have over the world. We are lost: we do not know what to do to combat lies which have such terrible power. We are like children who live in a world where all the adults have gone mad. Yours sincerely,

Rebecca Frankel

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter.

If you would like any changes, we would be happy to make them now. The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. If you would like your opinion to count, now is the time to send in your letter!

Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, or simply reply to this email with a short note indicating that you have sent your letter.

Please take action today, to ensure your voice is heard. Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255

Email: fin@mobilizationoffice.com

Your support is greatly appreciated

FIN Mobilization Office

MTC–00026553

From: Neil Prestemon
To: Microsoft ATR
Date: 1/27/02 12:19am
Subject: Mircosoft Settlement

To whom it may concern;

I would like to voice my opinion on the proposed Microsoft settlement to the antitrust lawsuit. I have to say that the proposed settlement on the table today does

nothing to address the real issues in this case. The issues that have made Microsoft the monopoly it is, and the danger to existing competition, and any potential future competition.

There certainly is not a level playing field in many areas. Though I do not believe that it's the government's job to provide a level playing field, I do believe that the government should do something when we're presented with a situation where the playing field has been rotated 90 degrees, and has become an impenetrable wall to the founding of new businesses and innovation.

The areas of danger are as follows:

Programming API's—Microsoft has a monopoly on programming frameworks for it's Windows platform. Any company that wants to write Windows software almost certainly has no real choice other than to use Microsoft's Visual Studio product, and Microsoft Foundation Classes framework. This is due to actions microsoft has taken against former competitors like Borland, and other OS Vendors. When a competitor is forced to use MFC to write third-party software for Windows, and software in the same market is also written by Microsoft, Microsoft then has a huge and unfair advantage, as undocumented features or programming flaws or misleading documentation within MFC itself can cause a third-party developer to spend far more man-hours acheiving the same degree of quality in their product as Microsoft can achieve, because Microsoft programmers also have access to the Microsoft programmers who wrote MFC, and the documentation. This is not merely a competitive advantage. This kind of advantage could be illustrated by analogy if General Motors sold the ONLY set of components by which any other company could build a car. You'd know that necessarily, GM's cars built with those components would be better than other company's cars built by those components. It's through their Visual Studio monopoly that Microsoft leverages an unfair advantage to keep third-party companies writing software less efficiently than they do. I believe that Microsoft's API business needs to be spun off into a separate company.

OEM Licensing—Microsoft should be prohibited from having secret agreements with OEMs. It has been proven in court that Microsoft, as the vendor of the Windows platform, uses such agreements to force OEMs into exclusive deals so that computer manufacturers cannot sell their computers pre-loaded with any other operating system.

File Formats—Microsoft should also be forced to fully document formats of their products, and changes in these formats should not be allowed. As it stands today, if a company does it's work in Microsoft Office file-formats, they are literally ''held captive'' by Microsoft, because if they choose to switch to a competing product, they will be forced into a costly migration of the data from the Microsoft format to the third-party format. It is not in Microsoft's interest to write translation tools, at least not translation tools that preserve fully, the features of their products in the translation—and though it would be in the interest of a competing software company to provide compatability or document translation, there is no way for them presently to do this with any degree of reliability, because some aspects of the file format are poorly documented, and Microsoft often changes these formats in ways that make it impossible for third-party companies to stay on top of them. Included in ''file formats''—should also be Microsoft's protocols, their Kerberos security protocol, (so that consumers can choose third-party LDAP solutions for their Windows networks, instead of being forced to use Microsoft Active Directory), and SMB, their network file-sharing protocol. There currently exists a free-software solution which allows computers of other operating systems to connect with Windows computers, and share files with them.

However, Microsoft has changed their SMB protocol several times in an attempt to cause this other solution to no longer be compatible, and to cause the developers to spend time and effort trying to reverse-engineer SMB so they can fix the problems Microsoft creates. Without this solution (called Samba) it would otherwise be impossible for other operating systems to share files with WIndows computers. The lack of a solution compels many IT managers to simply avoid other operating systems and platforms, and go with a pure Windows-only solution. The most frightening aspects of a Microsoft monopoly lie not in the commercial sector, but in the computing field itself. Never mind the economic damage Microsoft's monopoly has created in crushing many competing software companies—never mind the amount of over charging Microsoft does because they CAN, because there is no other company that can compete with them—never mind the huge labor and hardware costs incurred by Microsoft's customer base due to effort required to work around product defects and poor architectural decisions Microsoft has made— because they CAN, because competing products of higher quality, and lower hardware overhead have all been crushed by Microsoft's monopoly.

The greatest danger is that the US Government relies heavily on Microsoft products, and as such is DEPENDENT on Microsoft to continue providing solutions, and access to data, locked in a proprietary format that cannot be easily or cheaply extracted. The next greatest danger is that of monoculture. In a global computer network, where all computers are Microsoft Windows, they ALL share the same vulnerabilities to viruses and hacker exploits. A monopoly and resulting monoculture in computing is a horrible danger to the security and economic stability of our nation, and even the entire world.

And that is why the government MUST act. Swiftly, and forcefully, to protect it's citizens, and the entire world from this threat. It is the first duty of government to protect. Now that the Department of Justice, and then the US Courts have identified and recognized the threat, it would be folly, and a huge waste of the effort already invested to not act decisively against this threat, before it is too late to stop. Before it encompases other markets, like home electronics, media, and banking.

If you have any need for me to clarify any of my statements, or if you require further comments, I would be happy to provide them. Please feel free to contact me at this email address at any point.

Regards,
Neil Prestemon
Arroyo Grande, CA 93420
neilprestemon@yahoo.com

MTC–00026554

From: Mary T Harvey
To: Microsoft ATR
Date: 1/27/02 12:24am
Subject: This costly and damaging litigation must come to an end. Mary

This costly and damaging litigation must come to an end.

Mary

MTC–00026555

From: jim.lucey@verizon.net@inetgw
To: Microsoft ATR
Date: 1/27/02 12:22am
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,
James Lucey
1217 E. LaPalma Ave.
Anaheim, CA 92805–1450

MTC–00026556

From: Kathleen L Carey
To: Microsoft ATR
Date: 1/27/02 12:24am
Subject: Microsoft Settlement

It is my recommendation that you accept the proposed microsoft settlement as a reasonable compromise. It's time to move forward and on to other things.

Sincerely,
katcarey@juno.com

MTC–00026557

From: Karsten Wade
To: Microsoft ATR
Date: 1/26/02 7:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Please count my vote as completely against this settlement.

Karsten Wade
karsten@phig.org
http://phig.org/gpg/

MTC–00026558

From: Carol M. Watts

To: Microsoft ATR
Date: 1/27/02 12:29am
Subject: Microsoft Settlement

Punishing Microsoft's monopoly practices by awarding them a monopoly in the school system is just plain criminal. What a sellout! We must have laws and practices which encourage innovation and competition. Do not reward arrogance and unethical behavior—not to mention, illegal actions. Support the public interest.

Carol Watts
448 Knoll Dr.
Los Altos, CA 94024

MTC–00026559

From: Bruce Rogovin
To: Microsoft ATR
Date: 1/27/02 12:31am
Subject: Microsoft Settlement

Please punish Microsoft for it's total disregard for US law and a general lack of any morals. The proposed settlement would do NOTHING to stop Microsoft from continuing in it's illegal ways and gaining even more power and advantage.

Dr. Bruce Rogovin
8686 Winton Rd.
Cincinnati, Ohio 45231

MTC–00026560

From: Jeremy Walton
To: Microsoft ATR
Date: 1/27/02 12:43am
Subject: Microsoft Settlement

Microsoft has clearly broken several laws in its attempt to eliminate competing software corporations. They have carried out actions to do so and have made it clear of their intent to create a monopoly. Microsoft has a dominating role in the industry because most programs must be run using a microsoft operating system such as Windows 95, 98, etc. They realized the threat of a new competitor through the Internet, being web browsers, Netscape navigator, being the main one. They pursued plans to eliminate Netscape navigator and others, as options for internet browsers. Microsoft has tied its windows programs with internet applications, has required that persons distribute its internet software along with other software in exchange for access to their operating system, and has required that they not distribute any non-Microsoft software. The Microsoft corporation should be broken up because of their illegal actions and to help boost the economy via competition.

MTC–00026561

From: Marie Murray
To: Microsoft ATR
Date: 1/27/02 12:45am
Subject: Microsoft Settlement
Marie Murray
P.O. Box 97563
Raleigh, NC 27624–7563
January 26,2001
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a rule I hate to see money wasted; there is so much need for funds both here in American and abroad that to squander it is a travesty. One such is the case against Microsoft. Millions of dollars have been wasted on both sides of this dispute. We must stop this misappropriation of American tax dollars. The settlement that was reached in early November is fair. It will halt any further anti-trust violations, alleged or substantiated, with the establishment of a three person technical committee, which will oversee any further practices of Microsoft. Microsoft has also agreed not to retaliate against any company that tries to create software that competes against theirs.

I feel that the sooner this unfortunate litigation is put behind us the better. I hope that we can continue as the leader of the technological field throughout the world, despite the setbacks that we have experienced since the commencement of this suit. Thank you for your time and diligence with this issue.

Sincerely,
Marie Murray

MTC–00026562

From: medurk@concentric.net@inetgw
To: Microsoft ATR
Date: 1/27/02 12:47am
Subject: Microsoft Settlement

Let this settlement go through. There never should have been any investigation into Microsoft (MS) in the first place.

The lawyer that took the case to trial was only looking to make a name for himself. I'm a democrat but this is the one (and only) time I will agree with GOP.

Leave MS alone and never, never, bother them again!

Sincerely,
ME Durke

MTC–00026563

From: Justin
To: Microsoft ATR
Date: 1/27/02 12:50am
Subject: Microsoft Settlement

I would have to say that the settlement proposed is rather weak. It has already been proven that Microsoft Corperation is a monopoly. This is a company that has repeatedly and blatently abused its monoply power. It has obstructed viable competition, ruthlessly destroying or relegating to obscurity any company or product that attempts to compete within its established markets. The continued exsistence of Microsoft Corp. in its current form is anti-competition, anti-American. The computer industry as a whole will fare better with competition and this can only be acheived with the breakup of this monopoly as called for by U.S. law.

MTC–00026564

From: Pryor Garnett
To: Microsoft ATR
Date: 1/27/02 12:51am
Subject: Microsoft Settlement

I oppose the proposed final judgment between the Justice Dept. and Microsoft. Of the many problems I see with the PFJ, I believe the one of greatest concern is that under the PFJ Microsoft retains and will continue to exercise the power to use its dominant control over the operating system for the desktop to maintain existing barriers to the entry by ISVs of application software, and raise new barriers to ISVs of application software against which Microsoft choses to compete. For that, and other reasons, I oppose the PFJ.

Pryor Garnett
Portland, Oregon
pryor.garnett@verizon.net
503–646–2188
Watch the remodel at http://pws.prserv.net/pryor__garnett !

MTC–00026565

From: neldon-joann@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:48am
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,
Neldon Jensen
7151 Towncrest Dr.
Salt Lake City, UT 84121–3822

MTC–00026566

From: munafo@ews3@inetgw
To: Microsoft ATR
Date: 1/27/02 12:56am
Subject: Microsoft Settlement
To: Renata B. Hesse Scituate, MA
Antitrust Division Jan 26, 2002
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 believe that the Proposed Final Judgment fails to remedy the illegal practices that were found by the Court of Appeals for a number of reasons, including the following:

Section III.A.2 of the Proposed Final Judgment allows Microsoft to retaliate against an OEM that ships computers containing a Competing operating system that is not a Microsoft operating system. For example, it allows Microsoft to retaliate against IBM and Apple because both of those companies ship Personal Computers that contain a compating operating system (Linux and MacOS respectively) and no copy of Windows.

The definition of ''Microsoft Middleware'' (Proposed Final Judgment section VI definition J, and Findings of Fact paragraph 28) is too narrow. Microsoft could avoid the remedy by changing product version numbers (''Internet Explorer 7.0.0'') or by distributing Middleware exclusively through

a different distribution method (like the Internet-based Windows Update service)

The definition of ''Microsoft Middleware Product'' (Proposed Final Judgment section VI definition K) is too narrow. Microsoft could avoid the remedy by replacing the products covered by definition K with new products. For example, they are already replacing Microsoft Java with Microsoft.NET and C#.

Therefore, I believe that the Proposed Final Judgment is not in the public interest, and must not be adopted without substantial revision.

Sincerely,

Robert Munafo, Scituate, Massachusetts, Software Engineer

CC:me@mrob.com@inetgw

MTC–00026567

From: erer688@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:54am
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,
Edward Gerlach
17609 Alexson St.
Springhill, FL 34610–7307

MTC–00026568

From: Steve Paris
To: Microsoft ATR
Date: 1/27/02 12:58am
Subject: Microsoft Serrlement

Please log my displeasure with the Department of Justice(DOJ) settlement with the Microsoft Corporation. This wasn't a settlement, it was a full surrender by the victor. I can not believe that the DOJ actually negotiated with this corporate thug. It should be apparent by now with this second major offense that Microsoft isn't interested in changing its ways. What is needed is a serious penalty that will actually harm the company. The original punishment as imposed by Judge Jackson did not go far enough. Given all of the companies that Microsoft has destroyed and all of the associated employees that lost their jobs, Microsoft as an entity should be dissolved, its corporate officers fined and put into jail.

Stephen Paris
12211 SE 219th Place
Kent, WA 98031
(253) 630–1593
otistek@earthlink.net

MTC–00026569

From: Adam Bezark
To: Microsoft ATR
Date: 1/27/02 1:05am
Subject: Microsoft Settlement

Dear Department of Justice:

Here for your consideration is a hypothetical Legal Scenario. An organized crime kingpin is charged with racketeering. This criminal runs the ''mobs'' all across America. Whenever someone else has attempted to encroach on his territory, the mobster has resorted to ruthless, brutal, illegal tactics to crush his opponents.

During the trial, his well-paid lawyers repeatedly mock the judicial process. They stall for time so the mobster can continue to collect his racketeering fees. They present shamelessly doctored evidence (easily detected by the prosecution). They point out a ''grassroots'' letter writing campaign which proves that the public supports the mobster... but it soon turns out that the letters were all written by the kingpin's henchmen and lawyers.

Meanwhile, the prosecution presents overwhelming evidence of the mobster's guilt.

And so, despite the kingpin's most expensive efforts, the court finds him guilty of racketeering. Based on his egregious behavior, the court recommends an unusually stiff penalty. And yet, the appellate court sets that penalty aside, based on relatively minor elements of the trial judge's behavior.

Encouraged by his reprieve, the mobster unleashes a brand-new racketeering scheme designed to ensnare even more victims. Next: In a curious turn of events, the Department of Justice—which has spent years prosecuting this confirmed criminal—quietly announces that it is scaling back or abandoning its efforts to prosecute the mobster. Appalled by these events, the news media and the general public wonder publicly whether the appellate court's soft stance is related to the fact that the mobster donated large sums of campaign funding to the new Administration. Is it possible to buy justice?

Finally, in a grand gesture, the mobster offers a settlement. Instead of going to jail or paying a fine, he generously proposes to construct and operate sparkling new gambling casinos in every state. (At his own expense, of course.)

Now then. In this fictional scenario, what would happen next? Wouldn't the public be outraged by the Department of Justice's apparent conflict of interest? Would the court hesitate to impose the maximum penalty on this unrepentant scofflaw? Without any meaningful penalty, would the criminal be remotely likely to improve his future behavior? So... please tell me. How is the Microsoft case any different?

Respectfully submitted,
Adam J. Bezark

MTC–00026570

From: swesnerwc@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:02am
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,
Sharon Bontrager
PO Box 761
Jacksonville, OR 97530–0761

MTC–00026571

From: ChazzSaw@WebTV.net@inetgw
To: Microsoft ATR
Date: 1/27/02 1:04am
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,
CHUCK SAWYER
516 ORANGE DR., APT. 13
ALTAMONTE SPRINGS, FL 32701–5304

MTC–00026572

From: Edgar Patrick Venzon-Landas
To: Microsoft ATR
Date: 1/27/02 1:09am
Subject: MICROSOFT SETTLEMENT.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00026572—0001

January 26, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the

District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
Re: Proposed Microsoft settlement

Dear Judge Kollar-Kotelly,

In this age of technological innovation, Microsoft's hegemony in the realm of software threatens the future of computers and software. The danger of settling with Microsoft, thereby allowing the company to operate in its current form, is that it will stifle not only competition, innovation, and technology, but also, the emergence of future platforms that run computers, and in the future, computer-based information services. With its somewhat unchallenged monopoly in the operating system market and its development of .NET web services, Microsoft, in the absence of any forced structural remedies, has the power and resources to further any grip it has on the platforms that will run and drive our programs and information.

To illustrate how Microsoft's dominance in operating systems threatens the future, I came up with a simple and comparable example. For a moment, let us pretend that Microsoft manufactured the door locks to our homes. Door locks are common, somewhat easy to install, and are a necessity because of the fact it serves as the average family's protection against burglars and intrusions. Now, let us assume that one day, Microsoft door locks were installed in your neighborhood. Because of its low price, everyone switched to Microsoft door locks and those who did not had the choice to stay with their current locks made by Doorlock X.

Now, after a few months, Microsoft sent a letter to your neighborhood detailing an upcoming product launch stating that Microsoft just created a new door lock that is smaller and easier to install. As a result, almost all of your neighbors planned to purchase and install the new door locks until they received another notice.

Doorlock X, the other big door lock maker available at the hardware store, rushed to the market with door lock x20, which is just as light and even stronger than Microsoft's door lock. Therefore, in order to compete with the Doorlock X, Microsoft priced its door lock products way below market price and started to package a new bolt lock with its door lock. Doorlock X, to the best of its ability, tried to compete with Microsoft in terms of price, but it failed. While the company and its door locks have not disappeared completely, Doorlock X's newest lock was installed in just one house in your neighborhood. After a year, to further stifle competition, Microsoft created another door lock, which not only required the homeowner to install a new door lock on a brand new door, but also, required the homeowner to install the bolt lock bundled with the door lock. For most of your neighbors, they did not mind the upgrade until they found out that after they installed the new door locks, they could not be removed easily. Not only were they not difficult to remove, Doorlock X could not be installed in your door in the future. Three months later, Microsoft sent yet another notice asking people to upgrade their sets of locks and if they were interested in purchasing home security services. Most of the neighbors, seeing the convenience in not needing to search for another company to provide these services, signed up with Microsoft to provide their doors, door locks, and home security. Three months later, after yet another upgrade and solicitation of new services by Microsoft came along, some of the neighbors refused to upgrade to Microsoft and saw value in Doorlock X's stronger door locks. However, the neighbors were shocked to find that no matter whom they hired, no one could uninstall the locks on their door.

When they called Microsoft, the customer support people at Microsoft told them that it was possible to rip the lock off the door, and then and only then can one install a non-Microsoft lock. After being able to install their new door locks, Microsoft security Services approached your neighbors one day and told them that they could not use their home security services with their new locks. As a result, the Microsoft people disassembled their home security services, sloppily and hurriedly.

After eventually finding new locks and a new home security service provider, your neighbors arrive from work the next day to find out that the entire neighborhood (including yours) behind a electrified gate and manned by Microsoft security guards. Of course, when the non-Microsoft people were denied entry through the new gate, Microsoft told them that they since they do not use their locks nor their security system, they cannot use this gate into their homes. Instead, they must first travel to the other side of the neighborhood and then drive behind the fence until they reach their homes from the backyard. Coupled with this inconvenience, the other neighbors who refused to use Microsoft security services were angry with this and complained again. The people at Microsoft defended their practices by telling them,'' We have not done anything illegal. We are making this neighborhood safer and you are still able to enter your homes.''

A couple of months later, one of your neighbors, John Doe, gave a speech at a neighborhood meeting. In his speech, John Doe told everyone that nowadays, Microsoft Security Services protected most, if not all, of all the buildings and homes in their town. Because of this, all non-Microsoft customers must now carry different guest passes-one for Microsoft secured buildings/businesses, one for Microsoft secured homes, and of course, one for using Microsoft electronic security services. When it could not get any worse, at the end of the month, your whole neighborhood received yet another notice on your bill from Microsoft Home Security Services.

It seems that Microsoft's new electronic motion detection and crime prevention services requires homeowners to not only upgrade your whole home security system, but also, requires every member of your family to identify him or herself with the Microsoft electronic patch (to distinguish between friend and foe), and non-Microsoft secured homeowners or guests who need to enter the secured neighborhood must either register with Microsoft (but not necessarily buy their systems), or risk tripping off the alarms in the neighborhood. Moreover, the system will auto-upgrade itself automatically and start billing each home electronically every month. Failure to pay and/or continue Microsoft security services might result in a two or three-day power outage since Microsoft and your electricity company have struck a deal in wiring your home for Microsoft Home Security. In the end, you and your neighbors have no other choice but to subscribe to Microsoft and every future security upgrade.

Of course, in my allegorical example, the whole progression from the Microsoft door locks to Microsoft Home Security Services reflects the way Microsoft does business. Mainly, Microsoft sells its products and bundles similar, competing products to stifle competition, keeps the competition away by making it difficult for Microsoft customers from switching, requires constant, expensive, and restrictive upgrades that lock the consumer into the Microsoft ''way'', and finally, it, as seen in the .NET and its recent foray into different services, tries to blackmail the consumer by making it almost impossible to escape their services and products. In short, Microsoft utilizes monopolistic tactics to expand its hold on the various platforms by simply making it difficult and expensive for others to use other alternatives in the market. Because of these reasons, as seen in my example, it is important that you, in your capacity as a judge overseeing this monopoly trial, formally reject the proposed settlement between the Justice Department and Microsoft and impose harsh punishments (preferably structural) to prevent this situation I narrated from being realized in the computer/software/service industries.

Thank you.

Sincerely Yours,

Edgar Patrick Landas.
EMAIL: epland@wm.edu

MTC–00026573

From: Pat Mahoney
To: Microsoft ATR
Date: 1/27/02 1:11am
Subject: Microsoft Settlement

To begin my comments on the Proposed Final Judgment (PFJ) to the Microsoft case, I assert that I am a US Citizen and resident of the state of Illinois.

I have read through several parts of the PFJ. Clearly it imposes restrictions on Microsoft. However upon reflection, and after reading several online critiques of the PFJ, I have come to the conclusion that these restrictions are insufficient.

One item in particular stood out from the others. The PFJ requires Microsoft to disclose certain ''APIs'' under reasonable and non-discriminatory licensing terms to competing software companies wishing to interoperate with Microsoft products. The problem with this is that ''reasonable and non-discriminatory'' terms seem to inherently discriminate against one specific Microsoft competitor know as Free software or open source software.

It can be argued that Free or open source software is the chief competitor to the Microsoft monopoly. The Linux operating system, widely seen as a Microsoft competitor, falls under the category of Free

software. Free and open source software are unique in that unlike the products of Microsoft they may be obtained at little to no cost and redistributed indefinitely. Free software products defy the concept of ''ownership'' as everyone has the right to copy, change, or redistribute the software (unlike Microsoft software).

With this in mind, it should become clear that ''reasonable and non-discriminatory'' license terms discriminate against Free and open source software. Any sort of royalty fee Microsoft may wish to impose when it licenses its APIs to competitors would render Free and open source competition impossible. Because it can be redistributed freely, and because it is difficult to define an ''owner'', any piece of Free software wishing to use a Microsoft API to compete with an existing Microsoft product cannot possibly hope to satisfy the terms of the license under which Microsoft divulged its API.

For example, consider a Free software product which uses a Microsoft API and must pay a royalty of one cent ($0.01) per copy of the software. Since the software is Free, a user obtaining a copy is free to make copies of his own with no limit. Obviously the product cannot pay the royalty to Microsoft because anyone is possession of a copy is free to make more copies and give these to others who can then make more copies ad nauseum.

So it seems that the PFJ gives Microsoft a ''license to discriminate'' against what many consider to be its chief competition. In my opinion this does not server the public and must be remedied.

Pat Mahoney<patmahoney@gmx.net>

MTC–00026574

From: Kurt Buecheler
To: Microsoft ATR
Date: 1/27/02 1:11am
Subject: Microsoft Settlement
2304 41st Avenue E
Seattle, WA 98112–2732
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinion on the settlement reached between the Department of Justice and Microsoft. For three years I have followed the case against Microsoft with avid interest. I have become increasingly annoyed with the length of the litigation process. The terms of the federal settlement are extremely fair and I believe that it should be enacted without hesitation. Any continued mediation in this case would be poor judgment by the Justice Department.

Further, the terms of the settlement include many concessions on behalf of Microsoft. The terms of the agreement call for the disclosure of protocols and internal interface designs of the Windows system. This will result in the ability for competing developers to produce software that may be more compatible with the Windows system. In addition to this Microsoft has allowed for the formation of a technical review board that is composed of outside members. This panel will ensure Microsoft's compliance with the terms of the settlement.

It becomes increasingly clear that the enactment of this settlement is important. Resolution in this case will benefit the technology industries and the economy. Please enact the settlement.

Sincerely,
Kurt Buecheler

MTC–00026575

From: Sals613@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:12am
Subject: Microsoft Settlement

Your Honor,

I urge you to reject the proposed final judgment in the U.S. vs. Microsoft antitrust case before your court.

Every court has ruled that Microsoft violated antitrust laws, reaping billions of dollars of profit in the process. The proposed settlement allows the company to keep almost all of these illegal profits. Furthermore, there is no provision to guarantee us that this monopolist won't wield its market power to crush competition in the future. Microsoft is left to police itself, and its power is in no way diminished.

The proposed settlement has Microsoft ''giving'' software and hardware to schools. Sounds good politically, but in practice this only increases the monopoly presence of Microsoft. Perhaps the only market they don't completely dominate (education market) will now be owned by this convicted monopolist.

Please reject the proposed final judgment for all these serious flaws.

Sincerely,
Cyrus Salehi
CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00026576

From: Jeanette R Laris
To: Microsoft ATR
Date: 1/27/02 1:13am
Subject: Microsoft Settlement

It is time to end this costly and damaging litigation. Please settle this ASAP.

Jeanette R. Laris
Concerned senior

MTC–00026577

From: Joseph A. Sonnier
To: Microsoft ATR
Date: 1/27/02 1:13am
Subject: microsoft settlement

MTC–00026579

From: Lori Buecheler
To: Microsoft ATR
Date: 1/27/02 1:22am
Subject: Microsoft Settlement
2304 41st Avenue East
Seattle, WA 98112
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Today I write to voice my support of the Microsoft settlement. It is true that the Microsoft Corporation has been at the forefront of the technology industries in recent years. Their leadership, however, is the result of a dedication to excellence that is not matched within the industry. The result is the continual production of quality products that out perform any substitutes. This is in by no means a crime. I therefore take issue with the federal pursuit of a case based upon outdated statutes.

Regardless of this opinion, I believe that the settlement agreement is in the best interests of the public. Too much time has already been spent in the litigation process and the entire technology industry has suffered for it. Further, anyone wary of Microsoft's compliance with the terms of the agreement should be eased as the agreement calls for the formation of a watchdog group.

I adamantly believe that enacting the settlement will encourage confidence and growth within the tech industry. The Justice Department should suppress any opposition to the enactment of this settlement.

Sincerely,
Lori Buecheler

MTC–00026580

From: The Chin Family
To: Microsoft ATR
Date: 1/27/02 1:22am
Subject: Microsoft Settlement

To U.S. Department of Justice:

I have been following the Microsoft antitrust case through articles in the San Jose Mercury News. The most recent article from today's paper confirms a disturbing pattern that has plagued the business world...that many have lost their conscience in order to reap larger profits...that competition is no longer the catalyst for developing new products in certain markets...that monopolies continue to exist and operate with impunity.

Former U.S. Senator John Tunney criticized Microsoft's disclosure of its contacts with our government throughout the antitrust case as ''inadequate''. Microsoft interpreted his legislation, The Tunney Act, with tunnel vision; and ultimately, to their benefit, as the case was settled with the U.S. government and 9 of 18 states. Why have large corporations with their Congressional lobbying groups become so influential in determining the fate of the general public?

This is a company that produces a ubiquitous operating system and now a ubiquitous internet browser; only because it has bullied and squeezed out much of the competition over the years. I am an Apple computer enthusiast, but I have to work in a Windows NT world. Yes, I use some of Microsoft's products on both platforms. Yes, they do make some good software. But is it good because they've lured or snatched up many of the talented people that worked for their competition at one time? Is it good because most consumers do not know or care what else is available because Microsoft applications were pre-loaded with their computer?

Yes, I do not agree with the appeals panel overturning Judge Thomas Penfield Jackson's verdict to split the company in two, which resulted in the Microsoft-U.S. settlement. It's been reported that the settlement is ?riddled with loopholes and ineffective in curbing Microsoft's monopoly practices.? Please do not make an already powerful company more powerful. I will be watching what develops with the European regulators, with the 9

remaining holdout states, as well as with the Netscape browser case.

Thank you for providing a feedback mechanism to the public on this important case.

Regards,
Bobby Chin
Sunnyvale, CA

MTC–00026581

From: Delbert Franz
To: Microsoft ATR
Date: 1/27/02 1:25am
Subject: Microsoft Settlement

The proposed settlement with Microsoft has various weaknesses that if not corrected in some way will render the settlement ineffective in providing a remedy to the past business practices and in the opinion of many, the current business practices of Microsoft. Previous settlements with Microsoft have proved ineffective and it would be unfortunate if this one suffers the same fate.

My comments are restricted to the effect that the proposed settlement appears to have on the rapidly growing segment of computer software known as Open Source. One of the more credible alternatives to a Microsoft operating system is GNU Linux or just Linux for short. This software has been developed by a network of individuals donating their time and expertise over a period of years. Section III of the proposed settlement does not provide any protection for non-profit groups. The lack of such protection then allows Microsoft to move ahead without fear of restraint to undermine if not destroy its most credible source of competition. Linux excels in its ability to interoperate with other operating systems. This has been accomplished by the dint of hard labor deciphering various data and communication formats, with no help from Microsoft. If the settlement goes through as is, it is highly likely that Microsoft will move to change some aspects of the data formats needed for Linux's interoperation with Microsoft software with a concomitant move to enjoin any further interoperation on the grounds that the settlement does not offer protection to non-profit entities.

Clearly the protection offered to for-profit groups by this settlement should be extended to non-profit groups. If it is not, Microsoft will be enabled to severely hamper or even quash the Open Source movement in its effort to create an alternative to Microsoft software. Any business that wishes to use Open Source software must be able to interoperate with Microsoft software in order to survive, solely because of the effective monopoly position that Microsoft currently holds, and clearly wishes to maintain. Destroying or hampering interoperation with Linux and its related software would be the most effective way for Microsoft to disable this competition.

Delbert D. Franz
Linsley, Kraeger Associates, Ltd.

MTC–00026582

From: Paul Searing
To: Microsoft ATR
Date: 1/27/02 1:26am
Subject: Microsoft Settlement

I would like to briefly state my beliefs related to the Microsoft Settlement.

I believe that this settlement is drastically unsatisfactory.

From my readings of the materials I see no reason to believe that this settlement will prevent Microsoft from continuing to participate in illegal, anti competitive practices—the same, similar, and dissimilar to those cited in the original complaint.

Some of the proposed remedies, in my understanding, will actually improve Microsoft's footing in what have been its traditionally weak areas.

I only today learned of the opportunity to voice my opinions on this matter and thus do not have any long or rigorous analyses of problems and/or solutions. However, I do feel strongly about this matter and sincerely hope that just and effective measures can, and will, be taken against Microsoft.

Thank you,
Paul Searing

MTC–00026583

From: Amit Shah
To: Microsoft ATR
Date: 1/27/02 1:27am
Subject: Microsoft Settlement

I think Microsoft should be broken in to three different companies.

1) Operating Software only.
2) Internet browser and Internet services.
3) Application software's only.

The reason why it should be broken in to three different companies is that it uses its operating software platform to destroy the competitors. For example, Windows, at first, distributed its Internet Explorer browser for free. Then they bundled it with Windows ''95 and onwards killing Netscape's business.

Lotus was the first in the market to come with the new concept of Spread Sheet and Wordperfect; but they were systematically killed using the same operating software platform.

Now Microsoft's next target is to destroy Utility softwares like Photo Suites and CD burning software's by incorporating its version of these softwares into Windows XP. On top of this, Windows XP will constantly give conflict messages stating that either Windows or the competitors product will not work properly. These messages are not only irritating but can be threatening for those who are not computer experts; eventually forcing them to convert to Microsoft products.

Bill Gates claims that he and his company have come out with many new and better products. Of these new products, how many are truly his (his company's) ideas? Ever since he has entered the computer industry, he has always ''borrowed'' ideas from others.

1) He sold off the shelf QDOS (Quick and Dirty Operating System) He never developed it.

2) He stole the idea of using GUI and Windows icons from Apple computers. He never developed it.

3) Re-wrote Spread-Sheet as Excel and Wordperfect as Word, stealing ideas from Lotus. Never developed it.

4) Re-wrote Netscape's Internet Browser as Internet Explorer. Never developed it.

5) Photo Suite, Internet security, CD burning software, disk cleaning etc. were separate softwares, which are now incorporated into Windows XP; none of which were his creations.

Bill Gates has not created any of these but as stolen them. This was ought right theft, done in a legal manner.

Even after practically monopolizing utility softwares, productivity softwares and operating softwares, Bill Gates is out to control the Internet Service area as well. By providing internet services like MSN and Hot mail, he will be able to do this.

Microsoft should be split into three different areas instead of only two or nothing at all because all three areas are keys in monopolizing the business; therefore, the must be kept separate to avoid for a monopoly like Microsoft. Not only has Bill Gates taken over PC relating businesses but he has already started capturing Video-Games as well (Xbox). Microsoft must be split before its monopoly gets out of hand.

MTC–00026584

From: Lil'nMark
To: Microsoft ATR
Date: 1/27/02 1:33am
Subject: Microsoft Settlement

It's time for a settlement
Mark & Lilly White

MTC–00026585

From: Ruth A Distin
To: Microsoft ATR
Date: 1/27/02 1:35am
Subject: Microsoft settlement

I strongly urge you to finalize the settlement with Microsoft!! Please don't let this thing drag out any longer just because of a few sore people. It seems to be a fair settlement.

Sincerely,
Ruth A. Distin

MTC–00026586

From: Steve Cain
To: Microsoft ATR
Date: 1/27/02 1:37am
Subject: Microsoft Settlement

To whom it may concern:

My opinion, for what it is worth, is that our economy began to suffer when you, the DoJ, commenced you attacks on a legitimate and viable company, a company employing thousands and providing a product used by many.

Your suit seems to be based on the premise that we, the consumer, are being ripped off; a puzzling position in that I received my copy of the Windows operating system free and can access the internet with software I received free. I might add that I continue to receive free AOL disks and have never paid for the browser I use, Netscape. I have heard no complaints about those companies giving away free software.

My feeling now is that those who would continue to pursue the suits against Microsoft are looking either for glory or market advantage when they can get neither any other way.

Sincerely,
Steve Cain
Gig Harbor, Washington

MTC–00026587

From: Richard Winkler

To: Microsoft ATR
Date: 1/27/02 1:37am
Subject: RE: microsoft settlement

The excellent e-mail below was sent to you by my sister, and I am writing to you to second everything she says and to ask you to stop being so dishonest and to Laissez-Nous Faire (Let us alone).

Richard Winkler
Richard.Winkler@gte.net
Renata B. Hesse
Antitrust Division, US Dept of Justice Re: Microsoft settlement

I am writing regarding the persecution of Microsoft to let you know how I think and feel about this dastardly affair. I resent the government's implication that I am a helpless victim because I choose to buy a computer with Microsoft software already loaded. I resent the arrogance on the government's part thinking that it can decide what is to be on my computer. This is ridiculous. That is not the government's job. Your job is to protect the citizenry from events such as September 11. Why aren't you persecuting that whole affair more vigorously? Why aren't you going after Iran, Iraq? This is how you choose to spend taxpayer money by persecuting an American company?

I cannot remember having instigated a complaint against Microsoft, nor do I recall any other individual doing so. This whole affair has been instigated by competitors who are unable to compete in the free market! Failed business should not be the ones to set the rules for the very markets in which they failed.

The government's application of the corrupt and dangerous antitrust laws against successful businessmen is anti-American and can only result in greater corruption in our society as businessmen find it ever more necessary to kowtow to politicians.

Microsoft and its owners have a right to the fruits of their labor— their property—and it is the government's job to protect this right not take it away. The government's actions are on principle anti-American and unconstitutional.

America is a land open to all who want to dream and work hard to see their dreams come true. If the government throttles success based on the envy and dishonesty of the few then there is no hope left in the world.

The antitrust laws are fraudulent and should be repealed. And by the way I love Microsoft products and not having to load software and not having to pay for a browser!

Sincerely,
Margaret and Evencio Sanchez
CC:msanc56922@prodigy.net@inetgw

MTC–00026588

From: Abe Gindi
To: Microsoft ATR
Date: 1/27/02 1:38am
Subject: Microsoft Settlement

To US Department of Justice:

There is only one way to prevent Microsoft from using Windows Operating System to its own advantage over its competitors. When Microsoft incorporates its own application software into Windows, it does it by means of an unconventional interface that it calls ''seamless'' while forbidding others from doing the same thing through the licensing agreement which all users must sign. The solution is to force Microsoft to use the same Windows interface that all others must use and to redefine the interface such that it can be more efficient and generally usable by all potential users. Microsoft intentionally made the interface clumsy and inefficient to the disadvantage of its competitors.

History shows us that this is the best way to solve the problem. IBM had two major interfaces that it was forced to standardize by the anti-trust consent decrees. These are the Disk drive or peripheral component interface, and the channel interface. When disk drive manufacturers succeeded in making plug compatible drives in competition with IBM, IBM made a change to the interface that would have forced manufacturers to make an expensive change to their inventories in order to be plug compatible. IBM was forced through anti-trust action to reverse the change and to make the interface standard. A similar case was made with the channel interface that connects the drive control unit to the CPU channel.

Although IBM complained that standardizing the interface would not allow for improvements and future innovations, the standard channel interface allowed plug compatible competitors to build their own control units to connect to IBM computers. The conditions were that any improvements that IBM made in the future had to be such that the interface continued to be backward compatible. That is old hardware was able to connect to the new improved interface without any changes.

I recently had a similar problem with Windows software. A few years ago, I had some very important software that worked with Windows 3.1. An important improvement was made in a new release of this software but the new release was only compatible with Windows 98. I had to upgrade to Windows 98 in order to use the new release of the software. If the rule of backward compatibility were in force, I could have stayed with my Windows 3.1.

The American National Standards Institute (ANSI) committee has been active and successful in standardizing interfaces in the computer field. The committee is made up of representatives of industry that are interested in each interface. The committee can modify and define the Windows interface to the satisfaction of all major users and make it more efficient and general so that future applications will not be handicapped by an obsolete interface.

Each corporate member of the committee gets one vote in decision making although they may have more than one representative. If Microsoft is forced to use the standard interface defined by the ANSI committee for all its application soft ware, it will not have any advantage over its competitors.

I propose this solution to the Microsoft anti-trust remedy. With all application software having to use a standard interface to Windows, all comers can have an equal chance of selling their software without being bullied by the owner of the Windows Operating System.

Abe M. Gindi
agindi@earthlink.net
CC:agindi@earthlink.net@inetgw

MTC–00026589

From: F. Nourbakhsh
To: Microsoft ATR
Date: 1/27/02 1:52am
Subject: Microsoft Settlement
To:

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Microsoft has tried many legal maneuvers, political influences, lies and money power to cause delays in this case and make people believe they have done nothing wrong. But the truth is out and everyone I talk to knows that Microsoft will even have a tighter grip on our daily lives if we don't do something drastic about it. We can not sit still and let the gorilla go about it's business practices as in the past. A hefty fine in itself is not an adequate remedy either. Microsoft has to be forced to change the way it does business and has to be monitored to ensure we have fair competition in the marketplace.

I hope that our legal system sees through the smoke Microsoft is hiding behind and does what is Right instead of what may be politically correct or good for the stock market.

I urge the department of justice to give the little guys a chance to compete so that consumers like myself have a real choice. Punish Microsoft to the full extend of the law and force them to change their unfair business practices.

Cordially,
Fred Nourbakhsh
Minneapolis, MN

MTC–00026590

From: Niranjan Pardasani
TO: Microsoft ATR DATE: 1/27/02 1:48am
Subject: Re: Microsoft Antitrust case

Please see attached letter.
Nick Pardasani
3861 Toland Avenue
Los Alamitos, CA 907020
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing to support Microsoft in the antitrust case they are entrenched in. I am in favor of Microsoft because of America's free market system. I strongly believe that government try to avoid restrictions on free enterprise, and that in this case, Microsoft should be left alone.

In regard to this case, Microsoft has assented to terms that were originally non-factors in this case, such as terms concerning disclosure of intellectual property. Microsoft also will undertake changes in its relationships with other IT companies. Under the settlement, Microsoft promised not to strike back at those developers or makers who attempt to manufacture, ship, or advertise competing companies'' software.

I have grown tired of hearing about the Microsoft case. Again, I believe that Microsoft as a corporation should be free to conduct business as it see fit. However, it is my hope that you, as the justice keeper of this great country, will bring this case to a quick and fair end.

Sincerely,
Nick Pardasani

MTC–00026591

From: Janmala9@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:47am
Subject: Microsoft Settlement

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft,

I am writing to express my opinion of the recent settlement between Microsoft and the US Department of Justice. I am happy to see that Microsoft will not be broken up. But a number of the concessions that Microsoft is being forced to make are unfair.

My son works for Xerox. Ever since Xerox's patents expired and they were forced to share their information with other companies, Xerox has not been the same. When a company spends incredible amounts of time, money, and resources to create a technology that other companies were not able to create, the company should not be punished for its innovation. It is the company's right to bask in the fruits of its labor. Compromise is always a difficult thing. I hope Microsoft is making concessions that will be in the best interest of the company, as well as the computer industry.

I also hope the Department of Justice and the nine states in opposition will discontinue any further litigation because it is in the best interest of the American public. I look forward to the IT sector getting back to normal and continuing the growth rate that propelled the economy before the lawsuits began.

Sincerely,
Janet E. Malatesta
1009 Stoneham Circle
Hatfield, PA 19440–4124

MTC–00026592

From: larry@doolittle.boa.org@inetgw
To: Microsoft ATR
Date: 1/27/02 1:49am
Subject: Microsoft Settlement

I am a 43 year-old scientist and engineer. I switched from DOS to Linux in 1993, a change that helps me work more effectively. Even with my nearly exclusive use of Linux, I daily have to deal with unpleasant side effects of Microsoft's monopoly.

I have read the Proposed Final Judgment cover to cover. I concur with the assessment of others, such as Dan Kegel and Robert Bork, that it is a toothless sham which will do nothing to restore choice and competition to the personal computer software marketplace. In it, Microsoft makes minor concessions to its already vanquished foes of the past decade, while entrenching and solidifying its ability to resist its foes of the coming decade.

Microsoft has a long history of buying and/or ''cutting off the oxygen'' of its potential for-profit competitors. With its enormous stockpile of cash, it's hard to see how any conduct remedy will reverse this trend. These methods of maintaining its monopoly (now shown to be illegal) don't work against free-as-in-speech software, like Linux, Samba, and Wine. For this reason, many people in and out of Microsoft consider such software to have the best long term chances of breaking the Microsoft Windows monopoly. Microsoft's nascent strategies for sidelining these potential competitors will be legitimized and strengthened by the proposed settlement.

I can only find two ways to explain the Justice Department's support of this agreement: either they are totally oblivious to the open source movement and its threat to Microsoft, or they, like Microsoft, want control of computers concentrated in the hands of a plutocracy, and kept away from America's unpredictable and unfettered citizens. Since court decisions have repeatedly confirmed that source code is speech, this second explanation is equivalent to government opposition to citizen ownership of printing presses. Ben Franklin would roll over in his grave. Here are the aspects of the proposed settlement that I find particularly egregious:

*It carefully excludes open source projects, such as Wine and Samba, from the third parties to whom they must release documentation etc. (III.J.2).

*While Microsoft is required to license patents on a non-discriminatory basis (III.I.1), the cash-for-ideas concept itself discriminates against free software, that has no revenue stream or control over its ''customers'', the free citizenry.

*Microsoft does not have to disclose which patents might apply to its software's functionality, protocols, and interfaces. This leaves its sales force enormous room to inject FUD (fear, uncertainty and doubt) into its discussions with customers considering alternatives to Microsoft. Such behavior is already documented.

*Technical information that Microsoft discloses about its products can not be used to design or implement products that either compete with Windows, or run on operating systems other than Windows (VI.I).

*No requirement is placed on documenting, or even stabilizing, the file formats used to interchange word processing documents. Without such disclosure, attempts by competitors to read or write these documents will be (and have been) unreliable at best. Since many entities, including the U.S. government, often require documents to be submitted in this file format, the lack of compatible software institutionalizes a requirement that everybody buy Windows.

I believe that ending the prolonged anti-trust case with this settlement would send a loud pro-big-business, anti-consumer, and anti-competitive message to the computer industry. While free speech, free ideas, and free software will ultimately survive and flourish without the cooperation of government, this settlement would be seen for years as a win for big money, and a loss for the people. Please join the Attorneys General for California, Connecticut, et al., and reject this settlement as bad for the computer industry, the worldwide Internet, and the nation.

Lawrence R. Doolittle
836 Meander Dr.
Walnut Creek, CA 94598

P.S. Like about 2000 others, I also signed Dan Kegel's open letter, http://www.kegel.com/remedy/letter.html, which goes into more technical detail than this one.

MTC–00026593

From: Possiel@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:54am
Subject: Microsoft Settlement

Your Honorable Kollar-Kotally,

I was dismayed when I learned of the proposed judgment that the Department of Justice is considering to accept.

The proposed Judgment does not address the anticompetitive practices that Microsoft was proved to be doing by the appeals court.

I was glad to hear that a Judge threw out Microsoft's proposal that they donate one billion dollars to schools. Imagine a punishment that would enable Microsoft to dramatically weaken Apple Computer's presence in the school systems!

America looks to your wisdom in determining a just punishment and more importantly, ensuring our free market remains truly free from intimidation of monopolistic organizations. Thank you for your consideration,

Joyce Ferguson
San Jose, CA 95134

MTC–00026594

From: Kelley Terry
To: Microsoft ATR
Date: 1/27/02 2:03am
Subject: Microsoft Settlement

The settlement proposed is a nightmare. I look at going into programming and/or servicing linux based machines. According to the settlement the private non-profit organizations that need access to windows api's to make compatible code aren't even considered a business and are therefore denied access to windows code!! Absurd!!

My understanding (perhaps limited) of patent or copyright law was that it was set up to provide protection against others using ideas that took time and effort to produce. That protection is good and it's primary purpose was to promote innovation and invention by giving financial security to the inventor so he could recoup his investment. Microsoft has taken the extreme position (and always has and always will if allowed) of using this copyright protection to promote a monopoly and thereby strangling rather than promoting innovation and invention. I'm no legal expert but that's obviously against the original, basic principles of copyrights.

It said use windows 95 or better so I loaded linux!

In a world without walls and fences who needs windows and gates?

Kelley Terry <kelleyterry@sisna.com>

MTC–00026595

From: Edward Mills
To: Microsoft ATR
Date: 1/27/02 2:04am
Subject: Microsoft Settlement

An Independent User Voice—not lobbied by anyone speaks.

My opinion is that the previous decision to split Microsoft was TOO LENIENT and the current proposed settlement is an insult to

any and all who do not own Microsoft stock. I have been a PC user since the early days and have watched Microsoft manipulate the previous settlement on DOS into a joke. They killed Netscape, and before that Wordperfect, and Lotus123, and Quattro Pro which was clearly technically superior to Excel, and before that DR DOS. They have almost delayed this decision till it is moot as the release of Windows XP has already occurred. The proposal to distribute FREE or discounted software is no remedy but rather a well thought out anti-competitive ploy in itself. The best way to secure future use is to get the kids hooked—the tobacco industry and alcohol industry know this and software is even more perverse in that it is legal to promote your product to schools in hope that users will not want to migrate to a different system. Apple knows this and their last hold was that many educational entities still use Mac systems. The proposal would take this one hold away from the only real competitor Microsoft has not completely killed. As a minimum, Microsoft must be made to pay back users who were harmed and not in discount certificates; also they should be broken up into 2 or 3 companies representing Operating Systems, Applications, and Internet. Further their ownership of distribution of information networks should be curbed and they should be restricted to current business applications with proposals for expansion subject to oversight by a court master. I am sure that this is in the minority as Microsoft lobbies effectively by many means including mass e-mail campaigns.

MTC–00026597

From: John Johnston
To: Microsoft ATR
Date: 1/27/02 1:59am
Subject: Microsoft Settlement

Dear DOJ,

The only actions that I have seen that are harming the consumer is the government attempt to create alternatives for the consumer. A computer operating system is not like our highway system. Our cars operate just fine regardless of the road construction, asphalt, cement, gravel, dirt and so on. There was more diversity in rail lines, the spacing of the tracks was different at times. The rail cars and equipment designed for one gauge of road did not work on others.

The comparison between rail lines is much more akin to attempts to engineer compatible software operating systems or features by different companies. IBM attempted to make their OS2 compatible with programs wrote to run on MS Windows. It didn't work, if they couldn't do it, who is going to? Sun Microsystems JAVA is likewise not doing what Sun said it would. According to SUN a software designer could write it once and it would run anywhere. Maybe the ridiculously simple things will, but any meaningful productivity applet still needs to be ''tweaked'' and then it might not achieve cross platform ability.

Our country will be better off, and our consumers will be better off with one basic operating system vendor than with the market being split between three.

The biggest cry of foul comes from Microsoft's competitors who have had the privilege of over charging business users but are now seeing their revenues crash since they have to compete with equally or more capable software from Microsoft.

This kaleidoscope of lawsuits from the DOJ and nineteen states and now other companies and foreign countries is only going to hurt the consumer and probably the United States.

Sincerely,
John Johnston

MTC–00026599

From: E.S.
To: Microsoft ATR
Date: 1/27/02 1:58am
Subject: I OPPOSE the current Microsoft settlement proposal

I am OPPOSED to the current Microsoft settlement, and I SUPPORT HARSHER PENALTIES against Microsoft.

Microsoft have been convicted of violating the Sherman antitrust law on several counts, and have been found guilty of illegally using their monopoly power in order to maintain their monopoly power, thus destroying competitors such as Netscape and preventing consumer choice by forcing OEM suppliers to use only Microsoft software (or else face unreasonably harsh and anti-competitive penalties by Microsoft).

The current proposal does nothing to penalize Microsoft; without penalties, the nation (and indeed the world) as a whole is not served justice. Allowing Microsoft to escape this long-lived battle relatively unscathed— *especially* after being found guilty on several counts—would make a mockery of our judicial system, and whatever respect for the system that still exists in the minds of the public will be further diminished or destroyed.

Microsoft employees and supporters are viewing these trials collectively as a battle they have fought hard to win. Like Jay Leno said one night in reference to a decision made during the trial (paraphrased): ''Finally the little guy comes out on top, right?!'' It should be noted that Leno was hired several years ago by Microsoft to help introduce Windows 95 (by using a popular and well-known television personality)...

If the Department of Justice wishes to be viewed as weak-kneed and perhaps even serving of mostly corporate interests, then accepting the current proposal is the path to this public view.

If, however, the Dept. of Justice wishes to be viewed as a respectable entity, unafraid of a challenge, and willing to stand up for that which is legally, morally, and ethically-correct, without regards for whether the criminal is an individual, a company, or a non-profit organization—in essence following the ''justice is blind'' philosophy that law is thought to abide by—then I once again encourage harsher penalties for Microsoft. Thank you for your time.

MTC–00026600

Date: Sat, 26 Jan 2002 00:44:04 -0800
To: microsoft.atn@usdoj.gov
From: mcvarish <mcvarish@serv.net>
Subject: Microsoft Settlement

To the U.S. Department of Justice:

In reference to the to the antitrust settlement between Microsoft Corporation, the Department of Justice, and nine states, I urge you to adopt the settlement. The terms of the settlement are very strict and provide more than enough punishment for Microsoft. To further punish Microsoft would be to further punish consumers, stockholders, Microsoft employees, and companies that provide material and services to Microsoft. Many thousands of people depend on Microsoft's functioning at maximum potential.

Please, in all fairness, adopt the settlement.

Sincerely,
Mary Alice McVarish

MTC–00026601

From: Bridgewater Family
To: Microsoft ATR
Date: 1/27/02 2:20am
Subject: Microsoft Settlement

I was visiting at Netscape, as a customer, the day after they first met with Microsoft. There was no doubt that they had been surprised and somewhat taken aback with Microsoft's tone.

Based on what we were told, Microsoft offered to partner with them and divide the world into PCs and non-PCs with Microsoft getting the PC world and Netscape getting what was left. Netscape says they turned them down and Microsoft left them with the impression that they would be put out of business. At that time and subsequently I believe that Netscape had a much clearer vision and was as interested in driving the Internet as they were in growing and making money. Microsoft, clearly, has no other interest than market domination and maximizing profits in any way they can. Microsoft has no interest in advancing the Internet or, indeed, any aspect of computer science, utilization, security or performance.

Microsoft is not an engine of advancement or change. There is not one product or service they can point to and say they invented or developed it. There history has been to purchase or drive out of business any competitor and then blanket the market segment with proprietary code to prevent anyone else trying to enter that market. This is not a forward looking strategy—it is the road to stagnation. Established product lines do not move in new ways, they fester under an ever increasing load of new, largely useless, features: all the components of Microsoft Office fall in this category; Internet Explorer is well on the way; XP is not only enormous and slow, it comes with one of the most repressive licensing scheme since indentured servitude.

But, it is Microsoft's arrogance and complete lack of ethics that has prompted me to write. The Justice Department, et. al. settlement left me speechless. No mention that Microsoft has been convicted of breaking the law (which was upheld on appeal). No mention of their bad faith in answering subpoenas or goading a Federal Judge into making non-judicial statements in a fit of pique. Indeed, someone from another planet who read this would wonder what the fuss was about.

The idea of three people living and working at the Microsoft campus and keeping an eye on them is ludicrous on the face of it. How can they ever know what is going on?

Where is the restructuring that is clearly indicated from their actions? Where is any notion of making their former competitors whole? Where, for pity sakes, is any discouraging word?

I think breaking the company up, opening up at least their interfaces so there can be some real possibility of competition and imposing some real punishments—community service at a minimum— will ever convince them that perhaps they have erred. Otherwise, they will simply have a giant celebration on the day this becomes final and laugh off the rest of the industry forever.

Sincerely,
Gary Bridgewater
gbdsb@pacbell.net
IT Manager

MTC–00026602

From: Dream Fountain Support
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 2:32am
Subject: Netscape / Microsoft

Gentlemen:

I have been a professional web developer for 5 years. During this time I have used both Netscape and Internet Explorer. Netscape contends that Internet Explorer has gained the advantage by bundling their browser with their operating system.

However, as a developer I must disagree. Netscape is simply an inferior product. Designers world-wide are constantly having to re-write good code simply to accommodate the unusual characteristics encountered with the way Netscape displays. New technologies such as layers are not recognized by Netscape. As such, a perfectly acceptable design looks great in IE, but is not nearly as robust in Netscape. Some developers have simply given up on Netscape and now generate code designed only for IE, with a note on the page reading ''best viewed with IE'' or ''not compatible with Netscape''. Trying to accomodate Netscape's shortcomings is costing companies large sums of money in wasted time and effort to support a poorly designed pro duct.

It is not my intent to comment on the balance of the lawsuit as a whole, rather my opinion that Netscape was an inferior product several years ago, and their newest version is even worse. The browser war was simply won by the company with the best product.

Sincerely,
Robert Adelfson
Dream Fountain Data Solutions
Internet Solutions for Small Business
947 E. Park Ave.
Gilbert, AZ 85234
www.dreamfountain.com
(480) 813–7711

MTC–00026603

From: Bob Wieman
To: Microsoft ATR
Date: 1/27/02 2:32am
Subject: Microsoft Settlement

Let me make clear at the first that I do not agree with the proposed final judgement as it stands.

I would point out two issues:

The definition of future Microsoft middleware products, outside those that have the same functions as the current Microsoft middleware products, requires that Microsoft has distributed the product separate from the operating system. If Microsoft developed a product to replace a non-Microsoft middleware product, and released it only with the operating system (potentially, the new OS release could just be inclusion of the product), this product would not qualify as a Microsoft Middleware Product, and therefore would not be subject to the access requirements of Section III.H.1, or the substitution of automatically launched middleware of Section III.H.2.

Effectively, the commercial viability of a non-Microsoft Middleware Product is given a time horizon, determined by Microsoft, of the next OS release. At that point, Microsoft can implement a competing API, not bound by these subsections and therefore not necessarily removable or replaceable. A non-Microsoft Middleware Product in this situation will not pose the threat to the OS monopoly that it would have, absent this behavior by Microsoft to illegally maintain its monopoly.

To repeat, the definition of Microsoft middleware products in the proposed final judgement is overly narrow, and therefore the proposed final judgment does not prevent the recurrence of one of Microsoft's exclusionary acts: the integration of a product competing with non-Microsoft middleware into Windows in a non-removable way. The result would be an ever-expanding operating system, taking unto itself any functionality provided by competing middleware, to ensure that no competing middleware could claim usage share wide enough to erode the operating system monopoly.

Secondarily, the question of whether ''tying'' a (non-monopoly) product to a monopoly is itself anticompetitive under Section 1 of the Sherman Act is a question that I think strikes at the core of people's intuition regarding antitrust law, and a resolution of the question is in the public interest. Not only might the resolution modify the appropriate remedy in this case, but a precedent would be set to measure the behavior of this and other monopoly-holding corporations by.

To sum up: I do not believe that this proposed final judgment prevents a recurrence of the illegal behavior it seeks to remedy. Further, I feel that disregarding the most interesting question of law does not serve the public interest. The people need to know if legislation is required to conform the law to our intent, and monopoly-holding corporations need to know what they may or may not do.

Thank you for your consideration.
Bob Wieman
rewieman@eos.ncsu.edu
Office: Harrelson 381

MTC–00026604

From: FHoot@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:33am
Subject: Microsoft Settlement

Your Honorable Kollar-Kotally,

I thank you for your time in reviewing my comments concerning the proposed final judgment against Microsoft.

I have worked in the heart of Silicon Valley for over twenty years and have seen first-hand Microsofts spectacular growth and remarkable contributions to the computing world.

I have also experienced firsthand how a monopolistic corporations anticompetitive behavior has caused inflated software pricing.

I encourage you to find at a proper ruling that would accomplish the following:

Prevent future intimidation in our free market not only by Microsoft but any other company by providing some type of enforcement policy that would truly work. I realize that this would be an extremely difficult task, but I have confidence in our American system.

Design a proper punitive award that would reimburse everyone who has paid inflated pricing. Proof of purchase of products and licensing should be required in order to receive payment for the portion of the purchase price that is determined to be over and beyond what the competitive costs should have been. I strongly urge you to prevent a cash grab by the State governments and deny all such awards. If a state has purchased software, they should receive the same reimbursement of costs as any individual or corporation. Such a move would allow the monies returned to be put back into the economy by investments and additional jobs.

Best Regards,
Fred Hoot
San Jose, CA
fhoot@aol.com
www.fredhoot.com

MTC–00026605

From: Rex Foy
To: Microsoft ATR
Date: 1/27/02 2:37am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my opinion that the proposed settlement between Microsoft, and the DOJ is unacceptable! The measures proposed are not sufficient a stand against Large monopolies like Microsoft. The only acceptable solution is to divide said monopolies into smaller, competing companies!

Sincerely, Rex A. Foy
401 W. Desert Ave.
Gilbert AZ 85233

MTC–00026607

From: thebod@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:40am
Subject: Microsoft Settlement

I consider the proposed settlement, a reasonable compromise enhancing Sr. citizens (and all Americans) an easy access to the NET and innovative software programs.....and thereby make their computer experience easier and enjoyable. Also, acceptance of the proposed settlement, should be a positive influence on the economy and diffuse our recession!!! Unless you're a lawyer...(the only ones to win from hereout) shut this off and lets get it on!!!

D. J. Bodner

MTC–00026608

From: Bruce Gee
To: Microsoft ATR
Date: 1/27/02 2:43am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am writing this email because I oppose the proposed final judgment between Microsoft and the Department of Justice.

Like most people using computers, I am a user of many Microsoft products. I have great appreciation for their products—they are generally very good. And I admire much of what Microsoft has done in advancing personal computing.

But the end does not justify the means. That is why I oppose the proposed judgment. Microsoft got to their current dominant position with tactics that I believe (and I think the courts have found) are illegal. I think you have heard many of the examples, so I'll not re-hash them to you.

Looking to the future, my overall concern is that Microsoft will, and has shown by its previous behavior, follow the law only in the most narrow definition to their favor. If given any loophole, they will find it, and will abuse the intent of the law. From what I can tell, the proposed judgment, while clearing stating an intent, leaves plenty of room that Microsoft will abuse.

They will use their position in the desktop operating system to try to dominate other areas. This includes servers (Linux and Solaris), web services and content (.NET initiative), entertainment devices (games and TV), handheld computers (Palm), and countless other markets. That is not to say that these product/services will ultimately be bad—it will just eliminate other possible choices from developing fully. I believe that a competitive market benefits consumers by giving broader choices, better products and lower prices. The technology sector outside of the current Microsoft eco-system will gradually disappear if Microsoft is allowed to expand un-checked.

In a large sense, we are already dependent on Microsoft on being a ''benevolent dictator'' in the desktop operating system and office productivity space. That is why it is critical to structure the proposed settlement so it does not let Microsoft make unlawful use their current dominant position to expand into other markets. We need innovation to come from lots of different sources, including Microsoft. Please make changes to the proposed judgment so it provides a level playing field for all players in a competitive marketplace.

Best Regards,
Bruce Gee
bruce@geeteam.com
1305 Greenwood Ave, Palo Alto, CA 94301
650–328–8091

PS—I also own a small number of shares of Microsoft.

MTC–00026609

From: cashanng@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:49am
Subject: Microsoft Settlement

Dear Sirs,

Greetings. As an American I am concerned that the Microsoft case has gone on and on. It needs to be settled now and stop dragging it out and spending (wasting) tax payers money. The present agreement in the case does what needs to be done so let's finalize it and get on with the other jobs.

Sincerely,
Cash Godbold

MTC–00026610

From: Jon Anderson
To: Microsoft ATR
Date: 1/27/02 2:55am
Subject: Microsoft Suit

To Whom It May Concern,

Although I am a long-time user of Microsoft products, I find I am alarmed at the stories I've heard of under-handed competitive practices, and the trend towards fee-based services one can see in the new XP line of products. At this pace consumers can expect to be subject to the same kind of abuse in the use of our computers as we now experience with local and long-distance telephone service where de-regulation has provided us with no real benefit.

I offer one personal example of a company grown to large and too greedy to care about individual consumers: When I purchased Microsoft's PowerPoint 2000 software, it scrambled my installation of MS-Office 97. When I called Microsoft's technical support, I was told that the issue did not reside with the PowerPoint 2000 product, but with Microsoft Office 97...which they no longer supported. I protested that the Office 97 product was fine until the PowerPoint 2000 installation, but was told if I wanted further help, it would cost me $35. I believe that a product costing roughly $250–500 (depending on upgrade versus full version) should be supported when it misbehaves—certainly for more than 4 years. And—as a consumer and writer—I resent the special status accorded software ''engineers'' who are pushing us towards a system of hourly fees: no one has offered to pay writers every time their articles are read. Furthermore, I have become resentful of continually buying so-called ''upgrades'' to software which are more aptly called ''bug fixes''.

I encourage you to take a hard look at this company and do your duty—provide a bulwark for the consumer against corporate greed and abuse. I grow tired of being nickel & dimed to death by companies grown too large to care about customer service. While Microsoft products are generally good—and certainly we need standards for PC operation—the consumer currently finds him/herself with fewer choices than were available even a few years ago. In a market where consumers have no choice, it's up to the government to step in and make sure that choice and a free-market dynamic are restored.

Thank you,
Jon Anderson
University of MN—CALA
612.961.7440
CC:Fred Newman

MTC–00026611

From: JobLeads
To: Microsoft ATR
Date: 1/27/02 2:55am
Subject: Microsoft Settlement

Dear Sir/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. 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,
Daniel Maddy
Tigard, Oregon

MTC–00026612

From: GYoung
To: Microsoft ATR
Date: 1/26/02 9:43am
Subject: ''Microsoft Settlement''

Microsoft has gotten away with too much and is out of control, please do not let Microsoft get away with just a mild slap on the hand. They have hurt too many companies and individuals. I know as I am one who they have relentlessly attack. We use to average $2.5 million in annual sales with net profit of less than $30,000 after Microsoft's continued attack and negative campaign against us we sold less than $650,000 last year and had a net lost $664,000 which forced me into personal bankruptcy. As if that is not enough they are now demanding $1,000,000 from me and my company plus they want my company name and my web site to do what they wish, all because we do not follow their ''desires/demands''. I am too small to be able to afford to fight them in court. Is it not clear they are out to destroy who they perceive as a competitor? If you let them off too easily they will continue their evil ways. It is the small business man who is the real victim. If you would like more details of my case I will be happy to provide you with whatever you desire.

Sincerely,
Glenn Young 903–626–5317

MTC–00026613

From: Tony Silva
To: Microsoft ATR
Date: 1/27/02 3:03am

Subject: Microsoft Settlement

Greetings.

I am writing to express my strong objection to the proposed settlement of the Microsoft case. Not only does the proposed settlement allow Microsoft to defraud the government by making reparation in software (for which the real cost is close to zero), but it compounds the problem that led to legal action, specifically, the unfair practices that led to the monopolization of the browser and software markets. ''Punishing'' Microsoft by allowing it to flood the schools with its software is a farce.

Please, exercise reason and a sense of fairness in proposing a settlement that both punishes the corporation for its misdeeds and helps solve the problems its misdeeds have created.

Tony Silva

MTC–00026615

From: Bryan Lamos
To: Microsoft ATR
Date: 1/27/02 3:11am
Subject: Microsoft Settlement

I'm pro-Microsoft, and I'll be happy when this is over with and Microsoft is allowed to continue to innovate and compete fairly. We need a law to stop competitors from filing frivolous lawsuits against each other!

The following article does a succinct and accurate job of capturing exactly what is wrong with the high-tech industry today, specifically the ability of Microsoft's competitor's to attempt to thwart Microsoft's success by relying on our taxpayer-funded legal system: ''Netscape turned out to be a poor investment (its market share has plummeted to about 10 percent, compared with nearly 90 percent for Microsoft's Internet Explorer, which, by the way, AOL chose as its online service's own browser). ...

Speaking of consumers, I can't understand how they're hurt by a business strategy that offers browsers for free. Would consumers—who, after all, are the people who are supposed to be protected by antitrust laws—be happier if they had to pay $100 or $200 for a browser? Free software is hardly a new Internet idea; AOL continually offers ''upgrades'' to its own service for free. Is it unfairly competing?

It's no coincidence that AOL's dramatic lawsuit comes just as a federal judge is deciding whether to bless a hard-won settlement, reached by nearly all the parties in the massive anti-trust suit against Microsoft. Nine attorneys general, among them America's top publicity-seekers, remain holdouts. They have asked, among other things, that Microsoft be forced to give away the Explorer source code. ...

Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.''

Please read more at : http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051–012302E, apparently the author feels the same way as the majority of America, the consumers, the real players in this contest. This is crazy!! AOL chooses Microsoft's browser as the browser technology for it's client viewer, basically giving an implicit admission that it is superior than Netscape, then goes on to buy the Netscape browser, then SUE Microsoft because their browser took market share from Netscape??!?!

Bryan Lamos

MTC–00026616

From: larry@larryr.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:16am
Subject: Microsoft Settlement

I am exercising my Tunney Act right to comment on the proposed settlement. I do NOT believe this settlement accomplishes the goal of returning competition to the computer software markets now dominated by Microsoft. At a minimum, it must extend protection and rights to non-profit organizations as well as commercial for-profit companies.

I support the appointment of Steve Satchell as one of the members of the enforcement committee.

Larry Rosenblum
Sunnyvale, California

MTC–00026617

From: Vasant Ramasubramanian
To: Microsoft ATR
Date: 1/27/02 3:22am
Subject: Microsoft Settlement

To Whom it May Concern:

As a tax paying citizen of the US, I find the DOJ's proposed agreements in the Antitrust case again Microsoft to be both inadequate and ineffective. The US government has expended a tremendous amount of tax payers'' money in this particular case. The findings of the Court of Appeals enumerates the crimes of Microsoft, yet the proposed action is equivalent to a ''slap on the wrist''. The proposed settlement is simply preposterous. It's quite sad that US government will ignore both it's own findings and clearly stated Antitrust laws. One has to wonder who the government is working for, the tax paying citizens who elect the officials, or the businesses that bribe the government? Given the current settlement, I think the answer is clear.

Sincerely,
Vasant Ramasubramanian.

MTC–00026618

From: Ron Hilton
To: Microsoft ATR
Date: 1/27/02 3:27am
Subject: Microsoft Settlement

COMMENTARY ON PROPOSED MICROSOFT ANTITRUST SETTLEMENT:

I have studied the various documents pertaining to the Microsoft antitrust case, including the complaint, the proposed settlement, and the competitive impact statement. In general, I believe that the settlement is a step in the right direction, but is far too ridden with loopholes to be effective as a practical remedy.

To the extent that the settlement requires full disclosure of APIs and protocols, it represents a very satisfactory remedy. The Windows APIs and protocols have become a de-facto standard in the computing industry. Such standards are vital to the interchangeability of software components that must exist in order to enable consumer choice and true competition. However, when one company exercises complete hegemony over such a standard, and can unilaterally shape it to their advantage, with undisclosed interfaces that they alone are able to exploit, anticompetitive harm to the consumer is the inevitable result. Unfortunately, the settlement in its present form is too limited in scope with too many escape clauses to have any real remedial effect. In particular:

1. Section III. D. allows Microsoft to evade full disclosure by requiring membership in the Microsoft Developer Network (MSDN) in order to receive the information. There is nothing to prevent Microsoft from imposing unreasonable fees or other restrictions on MSDN membership so as to deter a potential competitor from obtaining the information.

2. Section III. J. 1. allows Microsoft to evade full disclosure in the name of ''security.'' Security that relies upon obscurity is no security at all. There is much greater security in having an open standard that can be scrutinized and critiqued by all, thereby identifying and eliminating whatever vulnerabilities may exist. Microsoft's dismal record on security speaks for itself on this point.

3. Section III. J. 2. b) allows Microsoft to evade full disclosure by maintaining that a competitor has no ''reasonable business need'' for the information.

4. Section III. J. 2. c) allows Microsoft to evade full disclosure by refusing to certify the ''authenticity and viability'' of a potential competitor. Microsoft cannot possibly be objective in making such a determination. The conflict of interest is simply too great.

5. Section III. J. 2. d) allows Microsoft to evade full disclosure by imposing an arbitrarily onerous and expensive burden of proof of compatibility on a potential competitor.

6. Section VI. J. and K. allow Microsoft to evade full disclosure by simply electing not to separately trademark a middleware product that utilizes the API or protocol in question. They can still use the trademarks ''Microsoft'' and ''Windows'' in connection with the product without having to disclose the APIs or protocols in question.

7. Section VI. N. allows Microsoft to evade full disclosure to competitors who have not already sold at least one million copies of a competitive product. This is a catch-22 which effectively prevents any small start-up from ever gaining a foothold in the Windows-compatible marketplace in the first place.

The bottom line is that under the proposed settlement, there are any number of ways in which Microsoft can easily evade full disclosure of the de facto standard Windows APIs and protocols which the industry as a whole needs in order to provide true consumer choice among competitive, fully compatible software products.

Here is the remedy that I would propose instead:

1. Microsoft must fully disclose all Windows APIs and protocols by making them freely accessible to the public via the Internet as of the date of the beta release of any software product that employs such APIs or protocols.

2. Any competitor who extends or otherwise modifies the Windows APIs or protocols for their own product must likewise fully disclose such extensions or modifications by making them freely accessible to the public via the Internet as of the date of the beta release of any such software product.

The second requirement above is an important one. It is designed to prevent the proliferation of multiple proprietary, incompatible variations of the Windows standard. That is what caused the fragmentation of the original Unix standard, as Unix competitors sought to ''lock in'' their customers in much the same way that Microsoft has done with the Windows standard. Only an open standard which is required to remain an open standard can provide a reliable foundation for innovation based on true merit that provides real choice to consumers in a fair and level competitive environment. Unix started out open but became proprietary. Windows started out proprietary, but must become open.

Please note that I am not advocating that Windows become open source. The source code is Microsoft's intellectual property and should not be confiscated. Only the external interfaces (i.e. APIs and protocols) need to be fully opened up to the public.

Thank you,
Ron Hilton
President, Platform Solutions, Inc.
1250 Oakmead Parkway, Suite 210
Sunnyvale, CA 94086–4027
(408)730–6826

MTC–00026619

From: Richard Culbertson
To: Microsoft ATR
Date: 1/27/02 3:29am
Subject: Microsoft Settlement

Microsoft has every right to give away their browser, on the other hand the Netscape browser is a poor piece of programming and should perhaps PAY us to use it.

What this is amounting to is Bill Gates and Microsoft didn't pay enough ''shake-down and protection money'' to the politicians in Washington DC

Get away from Microsoft.

MTC–00026621

From: Cynder Gray
To: Microsoft ATR
Date: 1/27/02 3:30am
Subject: 1984

In 1984 Apple computer introduced the world to a new way of working with the computer with a now famous commercial.

The commercial aired showing thousands of people dressed in gray clothing in a drab, industrial environment are taking instruction from a man on a TV screen. An athletic woman with a sledge hammer is chased by military police into a main viewing room where she throws the hammer into the screen effectively destroying it. Apple could not have come closer to telling the future. The images are not the same but the message is clear—Microsoft has taken over! Microsoft controls all components of technology. It will soon control access to the internet and eventually will hold information about all users with their new ''.net'' initiative. One company with so much control over how I work, what I view and how I use and store collateral material is beyond comprehension. Please, stop the monopoly. Break Microsoft up, force them to divest, possibly even make their file standards open source. Cynder Gray

MTC–00026622

From: max2dog@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:30am
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,
Philip Duckham
11610 Waterman Rd
Brooklyn, MI 49230

MTC–00026623

From: Peter Au
To: Microsoft ATR
Date: 1/27/02 3:39am
Subject: Microsoft Settlement

All the law suits including DOJ's and state attorneys'' anti-trust suit and civil suits are full of contradiction, irony and hyprocrisy. On one hand Microsoft is accused of anti-trust violation monopolysing and overcharging consumers, and on the other hand was accused of lower pricing than competitors as a form of predatory pricing. Microsoft achieved 95% of the market through good and renovating products and competetive pricing, was accused of monopolyzing. Then no company should try to suceed because if you do, you are a monopoly. The objective of the Anti-trust Law is to prevent any company from dominating the market and gouging prices and thus do harm to consumers. However, Microsoft was accused of bundle products, selling them at lower prices or component such as browser free. I can't see how consumers could be harmed to have some free products or get a good deal in buying bundle of programs. DOJ do have the intention of vaguely protecting the consumers in the long run, but never directly place consumer immediate interest in the equation; is also presuming too much in assuming Microsoft will gouge prices in the future. Every body is innocent before proven guilty. The fact that Microsoft selling the browser program free greatly benefit consumers, and have greatly advance the popular use of internet that renovate this country and the world intellectually, culturally and economically. And now AOL who is charging consumer for using her service is suing Microsoft for harming Netscape. I wonder whether ''competition'' or ''benefit consumer'' has any meaning in this society. Any party loses a competition will feel unfair and wants a rematch in a so called ''leveling field''.

Parties who feel unfair may not be limited to Netscape. There are parties in this country and in history that were, unlike Netscape, arguably really being wronged. Slavery of the blacks, killings of American Indians, slaaughtering of south and central Americans by Spaniards, just to name a few. It would be great to have an equalizer so as to provide fairness to ALL companies, nations and people. Maybe we should all go back to Stone Age, which will be the ultimate equalizer. Of course we know that that is impossible, because the world moves on and keeps going forward. This ''leveling the field'' idea is kike for us to go backward to the stone age. It is not progress, not advancement, not innovations; it is not an idea of civilization. The consumers will be harmed, the economy willbe harm, and our nation and people will be harmed. Then on the other end of the spectrum, civil suits are accusing Microsoft of overcharging their products. Of course we know that if microsoft lost this suit, each consumer user will get about $10, and millions of dollars will go the lawyers. The settlement of Microsoft to provide millions of dollars of computers and softwares to school was again hampered by selfish and self-serving objections. Certainly any companies are free to provide programs to our schools. One reality the nay-sayers, DOJ and state attorneys keep forgeting but really have to face is: Microsoft have achieve enough critical mass in competition and is been used by say 95% of software users. It has become a defacto standard. If we want our kids to learn softwares, they better learn microsoft's programs first, because they are the most popular ones. This is the system mostly sschools, offices and society. How are we going to stop the engine of progress and moving forward and level the field by pulling back Microsoft ? This is against consumers, against progress, against innovations and against the economy. I think the economy has been harmed enough by all these follies.

CC:msfin@microsoft.com@inetgw

MTC–00026624

From: Jarvis Cochrane
To: Microsoft ATR
Date: 1/27/02 3:48am
Subject: Microsoft Settlement

Dear Ms Hesse,

I have read with interest the documents related to the proposed settlement with Microsoft, and wish to submit the following comments: As an Australian IT professional I believe this case, and the proposed settlement, to have international significance; and that in this matter, as in many others, the United States will be setting a precedent or a standard that will be referred to by other nations.

It is my understanding that the proposed settlement only has legal force within the

United States, and that nothing in the settlement prevents Microsoft from continuing its anti-competitive practices in other jurisdictions, or moving ''non-compliant'' operations offshore. I strongly approve of the provisions that require Microsoft to make the APIs and communications protocols of its software products available to other software developers. Microsoft have used proprietary APIs and communications protocols to prevent the interoperability of their software with other products. Apart from the anti-competitive nature of the practice, it has significantly increased the complexity and cost of multi-platform environments.

I believe, however, that the provisions requiring Microsoft to make its APIs and communications protocols available to software developers do not go far enough to effectively ''level the playing field.'' My understanding of the proposed settlement is that some API or protocol specifications may be made available only to selected developers, or may not be made available at all where Microsoft can demonstrate that making such information available would present a risk to system security or intellectual property rights.

As an IT support professional and software developer, I can see no justification other than commercial advantage,for not making the details of all APIs and communications protocols publically available at no cost. I strongly encourage you to consider such a measure as part of a revised settlement.

I am concerned that appears to be no fine or other punitive measure imposed upon Microsoft, even though the company has been found guilty of breaching competition law, and has used its market and position and illegal business practices to generate unreasonable profits. There is also the matter of the ''hidden'' or ''follow on'' costs borne by consumers, business and the IT industry as a consequence of Microsoft preventing the correct interoperability.

As I have followed this case in the media, I have regularly noted that Microsoft has shown a lack of respect, perhaps even a contempt, for the legal and judicial process.

For these reasons, I would respectfully suggest that it is appropriate and just for a large fine to be imposed upon Microsoft, such monies to be used for international charitable works. To be effective as a punitive measure, such a fine would obviously need to be in the order of some billions of dollars.

In general terms, and in conclusion, I believe the proposed settlement addresses the relevant issues, but does not sufficiently restrict Microsoft, prevent Microsoft from pursuing alternative means to maintain monopoly power, or impose appropriate punitive damages on Microsoft.

I would like to express my appreciation to the Department of Justice for pursuing this matter, and the hope that my comments will be of interest to you.

Regards,
Jarvis Cochrane
cochrane@zyrzyn.com

MTC–00026625

From: bpsems
To: Microsoft ATR
Date: 1/27/02 3:46am
Subject: Microsoft Lawsuit

Dear Mr. Ashcroft:

I believe that the Lawsuit against Microsoft by the Clinton Administration has been a complete waste of time and taxpayers money. Microsoft made computing possible for the individual and small businesess. The consumer has benefited from Microsoft products. Attached is my letter requesting that this lawsuit be settled under the terms agreed between the Dept. of Justice and Microsoft.

Sincerely,
Brian P. Seguin
Professional Land Surveyor
Professional Engineer
3622 99th Street Southeast
Everett, WA 98208
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit brought against Microsoft was unjustified and flawed. The dispute in my opinion arose due to competitors'' envy for their own lack of innovation and creativity. Microsoft has been the leading innovator of technology for over a decade. In the 80's when we lagged behind Japan in many industries, Microsoft developed a product that streamlined and made more effective many of our businesses. The company I worked for is a perfect example as it was able to use Microsoft software for its businesses.

The terms of the settlement are harsh and seem to reflect the intense lobbying of Microsoft's competitors. Forcing Microsoft to give up internal interfaces and protocols, making them agree not to retaliate against other vendors, stipulating that they must grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be prompted, the settlement also reflects lawmakers and politicians lack of concern for the public. This settlement only aims at giving competition an edge they did not have and could not attain on their own.

Even though I think the settlement is unfair, I must support it because the alternative of further litigation would be too much for our weak economy. I urge your office to take a firm stance against the opposition and stop any further disputes. Thank you.

Sincerely,
Brian P. Seguin
Professional Land Surveyor
Professional Engineer

MTC–00026626

From: Scott Brylow
To: Microsoft ATR
Date: 1/27/02 3:49am
Subject: Microsoft Settlement

Hi folks,

I'm a computer professional who started a web development company in 1994. I have run engineering organizations with multi-million dollar budgets. I consult for companies with software problems and help them select vendors and solutions to address their business needs. And I'm disappointed with the current PFJ in the Microsoft antitrust trial.

I have been doing a fair amount of reading and thinking on the problem, but not as much as many folks out there, so what I have to say will be compiled from a number of chats with friends. What I can tell you is that in my professional experience, Microsoft has not provided winning technology solutions—they have provided winning business solutions that can sometimes hold their own in a technological arena. By virtue of the results of the trial, it is clear that at least some of those successes were due to clear antitrust law violations. Poor technology choice presents a great risk to the large number of businesses out there who are more dependent on information technology (IT) than ever before. It's a huge economic risk in the field that is arguably a significant economic engine for our country.

In that case, it is critical for the economic security of this country that Microsoft —not— be left in a position to continue their anti-competitive behavior.

One strikingly visible difficulty with the proposed remedy is the lack of provision for free software vendors to gain relief from the monopolistic behavior of Microsoft. In my experience as a technology professional, I know that these products, whatever their source, have now earned a place in the IT platform of many large companies. Ask IBM and HP, users of Linux. As the many WWW sites using Apache as a web server or Perl to run scripts. And there are many more similar open source products used throughout the enterprise—sendmail, samba, jakarta, etc.

Please, please reconsider the sections of the proposed remedy (esp. sections III D and III J 2) and strengthen them to ensure that the open source community—providers of some extremely competitive software available for many specific tasks that either competes directly with Microsoft (Apache is the strongest competitor to their IIS webserver) or acts as an ISV working off Microsoft interfaces and at risk under the proposed remedy for that reason (e.g. samba).

Thank you for your hard and positive work to date. I urge you to complete the difficult task of crafting a remedy with the same thoroughness you brought to the prosecution of the case to date.

Thank you for your time.

Regards,
Scott M. Brylow
Independent Technology Management Consultant

MTC–00026627

From: Larry Israel
To: Microsoft ATR
Date: 1/27/02 3:50am
Subject: Microsoft case

U.S. Dept. of Justice:

I hope the DOJ breaks Microsoft into smithereens. They certainly deserve it. In fashioning the remedy, I very much hope the DOJ will look toward the open source software movement for guidance with this case. As society will increasingly depend on computers and the Internet as the primary information infrastucture, operating systems

are very important public resources. Non-proprietary, standards-compliant systems are very much in the public interest, allowing interoperability amongst the various hardware and software components of this infrastucture. Rather than the dominant profit-making company working to bring as much business as possible to their own proprietary implementations, everyone is better served by free, open source software, right down to the operating system. For many years, open source software has given us some of the most important innovations, developed by professionals who are abundantly donating their hard work in the public interest. At minimum, Microsoft must have the operating system software split from the rest of the company. Similarly, Microsoft ownership and broadcast of content should be split from all of their software products. Without that, in the future they threaten to control the entire broadcast infrastructure, from media content creation, to broadcast, to the delivery system in our homes. Certainly Prince William makes no secret of his plans for domination of everything he's able to get his hands on. Make them pay for their unethical, heavy-handed and illegal business practices. Stop Microsoft now, while you can.

Larry Israel
Santa Cruz, CA

MTC–00026628

From: Bill Wodarczyk
To: Microsoft ATR
Date: 1/27/02 2:56am
Subject: Microsoft Settlement

William Wodarczyk
62 N. Shaddle Avenue
Mundelein, IL 60060
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr.. Ashcroft:

With 40 years experience in the world-leading American computer software industry, mostly in ''big iron'' IBM mainframes, I feel I am qualified to comment on the Microsoft antitrust lawsuit. I am reminded of the eighteen-year-long antitrust case against IBM, which at some points, severely damaged that company and held back progress in American industry. Bill Gates has earned his success in a highly competitive industry. When IBM's original personal computer, the ''PC'' was released the MS-DOS of Gates'' Microsoft became the dominant among several operating systems because of a lower price, attention to customers'' desires and a dogged search for useful innovations. Since Microsoft's Windows was introduced, it has competed with the Apple Macintosh for ease of use. However, Windows has been a part of a vibrant, diverse, and experimental PC community, while Apple has held its intellectual cards very close to the vest, both for software and for hardware. In this competition, Microsoft's software, combined with hardware from many, many manufacturers got the nod of more consumers. That is simply American free enterprise. In the fast changing software industry Microsoft will only maintain its position against erstwhile competitors, like Apple, the Unix's, Linux, BeOS, Palm, and emerging companies by attention to business fundamental and relentless innovation. The lawsuit is like ankle weights to handicap the best ballerinas, to stifle a determined spirit. Still, I prefer my free enterprise —— free.

The ability of computers to work together is crucial to the effectiveness and efficiency of an enterprise, and, now with the Internet, the whole computing world. Interoperability through compatibility is much more efficient and reliable than translations, emulations, work-arounds, and patch-up-jobs.

By opening up both Microsoft's Windows programs and its business practices, the settlement should provide the technical and corporate interoperability to furnish a much-needed boost for the American computer industry. Internal interfaces and native server interoperability protocols for Microsoft'' s Windows programs will be revealed, contracts made non-exclusive, retaliation for promoting non-Microsoft products prohibited, uniform price and terms lists to large computer makers become non-negotiable, addition and removal of programs integral to Windows made easy. Competitors will benefit. Microsoft will be able to hold on if it can work with the industry and continue to innovate. The settlement is about as good as could be expected.

I appreciate your work to see the settlement reached. I would appreciate your continued leadership to see that the settlement is approved by the federal judge and implemented. Thank you.

Sincerely,
William Wodarczyk

MTC–00026629

From: bdkleiman@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:03am
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,
Bernice Kleiman
4077–72 Porte de Palmas
San Diego, CA 92122–5142

MTC–00026630

From: joe skerik
To: Microsoft ATR
Date: 1/27/02 4:20am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–00
Dear Ms. Hesse,

The following is my commentary on the proposed settlement between the United States Department of Justice and Microsoft solicited under the Tunney Act.

I believe that the settlement proposal is lacking in substance, and cannot effectively address the items which it is claimed to provide relief for. I am in complete agreement with everything which I have read published by Dan Kegel on this topic at this web address: www.kegel.com/remedy/letter.html.

In summary, I would like to register my disagreement with the proposal. Thank you for reviewing this and all comments.

Joe Skerik
P.O. Box 1741
Round Mountain, Nevada 89045
joe@lnett.com

MTC–00026631

From: Haden E Rogers
To: Microsoft ATR
Date: 1/27/02 4:31am
Subject: Microsoft Settlement

The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise.

Respectfully,
Haden E. Rogers
9804 Kernville Drive
Las Vegas, NV 89134

MTC–00026632

From: Claudio Friederich
To: Microsoft ATR
Date: 1/27/02 4:32am
Subject: Microsoft Settlement

The United States Department of Justice and eighteen state attorneys general have joined in suing Microsoft Corporation for violation of the Sherman Antitrust Act. Recently, the Department of Justice and nine state attorneys general have reached a settlement agreement with Microsoft. Under the Tunney Act, the Department of Justice is seeking public comment on the settlement.

For many reasons, I am convinced that this entire lawsuit has been, from the beginning, unfair, unjust, and enormously damaging, not just to Microsoft, but to countless people, both in the United States and abroad, and to our economy. The settlement terms would allow the corporate structure of Microsoft to remain intact, and permit Microsoft to remain in control of its intellectual property, and the source code for the products it depends on. The terms of the settlement focus on Microsoft's business relationships with OEMs, and the terms of Microsoft's licensing agreements with them, rather than on its organizational structure and the nature of the technology itself. Therefore, its impact on Microsoft's products and technologies, and the many who depend on them, will be minimized. As such, it is an excellent opportunity to end this ruinous litigation, and the harm that it is doing to the American

people, and to our economy. The reasons that this litigation is so harmful are many.

As a consumer, I feel this lawsuit is misguided. The lawsuit alleges that Microsoft Corporation has harmed consumers by illegal use of monopoly power. By my own choice, I spend about a thousand dollars a year on Microsoft software. I could just as easily have bought software from other vendors. Often software from competing vendors is significantly more expensive than software from Microsoft. Often Microsoft's software is significantly easier to use than competitors'' products, or offers more capabilities, and versatility. I therefore fail to see how I have been harmed.

As a citizen, I understand and realize that everyone, including corporations, must abide by the laws, whatever the consequences. However, there is nothing that Microsoft Corporation has done that other large companies in the United States do not routinely do. Large mergers and large, high-stakes investments take place so routinely that they go unnoticed by most people. Corporate rivals cut deals with each other all the time for licensing of technology, advertising space, and endorsements. Companies make deals with others all the time to get favorable pricing and market exposure from each other and effectively handicap rivals. But only Microsoft Corporation is being sued for such activities.

As an employee of a software producer, I understand the hurt companies feel when their products, developed at great expense in time and capital, are shouldered out of the marketplace. I understand that companies such as Netscape and Apple, whose products lost to Microsoft Corporation, feel very bitter about it. However, losing in such a manner is the risk all players in a free market economy must accept. Rivals in the marketplace always try to best one another, in the quest to succeed, and survive. Some will win, but some will lose. Going into business means you must, right from the beginning, face up to your rivals. Nobody is given a ''grace period'' in the marketplace. As a professional software developer of Windows software, my success is directly tied to the success of the Windows platform. Every new feature added to the operating system is one new feature available to developers of Windows software. It is precisely such additions that have enabled independent developers to create more powerful software with greater ease. Microsoft Corporation has been accused of ''bundling'' its Web browser into the operating system to squash competition. However, it has been this ''bundling'' that has allowed developers of Windows software, without any additional costly tools, without any additional software the end user had to buy, to add rich Internet capability to their software. With one stroke, all the capabilities of the Internet were opened up to all Windows developers, not just those investing in costly additional tools or those developing the functionality on their own, at a great expense in time. This has significantly contributed to Windows'' success, both for end users and developers: enabling everyone to do more with less. It has often been pointed out that Microsoft Windows runs ninety percent of all personal computers. Many developers of software are developing for the Windows Platform. In addition, a great many system integrators, technical support workers, Web site designers, and countless other technology workers our economy is increasingly depending on are involved with the Windows platform. If the Windows platform is harmed, all of these people, both in the United States and abroad, will be similarly harmed. All of the remedies that have been proposed as alternatives to the settlement would hurt the Windows platform and all those involved with it.

Some are seeking to break up Microsoft into separate companies, one for operating system products, one for desktop applications, and one for Internet products and services. As mentioned previously, the ability both to integrate products, and allow them to seamlessly interoperate, is precisely what has helped to make Windows and its software both powerful and easier to use for increasingly sophisticated tasks. Such a proposed ''remedy'' would, by definition, destroy many possibilities for such integration.

Others have proposed breaking Microsoft into several equal parts, each with the rights to all products. This would be a catastrophe. Instead of one, there would be multiple versions of each Microsoft product. They would evolve separately, and inevitably develop differing feature sets, and requirements, and incompatibilities would emerge. How is the consumer supposed to choose which version to buy? Developers would have to worry about not one, but several, Windows, and so development and technical support and system administrative costs would skyrocket. Incompatibility issues would multiply, and computer use would needlessly become much more complicated. It has been suggested that the source code for Windows should be freely available to the public, allowing any company to develop its own versions of Windows. This would lead to an unlimited number of Windows, which would ultimately evolve differing feature sets, leading to the same disaster as described previously. The Unix operating system, whose source code is freely available, is a case in point. There are many ''flavors'' of Unix, each of which is supposed to be compatible. But in practice none of them are fully compatible.

Regulations defining what features Microsoft Corporation may and may not add to which products have been proposed. However, as previously mentioned, the integration of features into the operating system is one of the key aspects of Windows that have made it successful, and increased the abilities of its users with lower costs. The lawsuit against Microsoft threatens to harm much more than Microsoft Corporation. It threatens to harm the many people who use, depend on, and have succeeded because of the Windows platform. It threatens the consumer, the very group the lawsuit purports to protect. It already has done harm through large amounts of taxpayer money spent on it, technological stock market losses that arose directly and indirectly from it, and delays in the release of critically needed software. Therefore, as a consumer, as a software developer, and as a Windows user, I implore all those involved to take the opportunity the settlement offer presents to end this lawsuit, before it does any more harm.

Sincerely yours,
Claudio
Friederich
friederir001@hawaii.rr.com

MTC–00026633

From: James E Huninghake
To: Microsoft ATR
Date: 1/27/02 4:34am
Subject: Microsoft Settlement

January 27, 2002

To Whom It May Concern:

I have been deeply distressed by the Department of Justice's legal attacks on Microsoft, a private company that has set the standard for quality products at reasonable prices. I am convinced Microsoft has played a large part in the productivity increases in the United States the last 5 years that have raised our standard of living to a level that makes us the envy of the entire world. I can think of nothing but jealousy and greed being behind the legal attacks that I am convinced was started with the encouragement of Microsoft competitors. Don?t we have better things to do in this country than attack one of the most successful and innovative companies in American history? Lets get back to fighting our real enemies, both at home and abroad ?poverty, poor public education, crime, the Taliban, etc. . I shutter to think of what would come of these if we directed the time and resources used in this frivolous case towards these true threats to the American way of life.

If the DOJ can do this to Microsoft, who is next? Get over the success of Microsoft and get on to other real issues that challenge this country.

James E. Huninghake
4012 Fordham Drive NE
Minneapolis, MN. 55421

MTC–00026634

From: Janice Holder
To: Microsoft ATR
Date: 1/27/02 4:51am
Subject: Microsoft Settlement

I believe that the terms of the proposed antritrust settlement between DOJ, 9 states and Microsoft are reasonable and fair to all concerned. Too much time and money have already been utilized by the parties fighting this.

I trust the Court will adopt the agreement and end the conflict.

C.Janice Holder

MTC–00026635

From: Pamela Rosengren
To: Microsoft ATR
Date: 1/27/02 4:47am
Subject: Microsoft Settlement

A weak stance regarding the crimes committed by Microsoft will not help America's standing internationally. With this proposed settlement America appears to be saying to the international community ''crime is OK if it is done by rich white Americans''. At the same time by its actions elsewhere America apears to be clearly saying ''crime is not OK if it is done by the

poor, by non-whites, by non-Americans''. Think carefully before ratifying this extremely weak settlement. America needs all the credibility it can get and this is not the way to achieve it.

The consequences of this settlement will be felt worldwide. The Microsoft monopoly is dangerously close to being totalitarian, and it appears to edge closer all the time for example its strategies to control the internet. It is difficult to understand how a nation which champions democracy and capitalism will escape the consequences of turning a blind eye to the predatory activities of this corporation. America will lose its technological edge, lose its lead in the international software market, lose the confidence of other governments (this is happening now), and lose much of the freedom its people enjoy. I am basing these comments on statements by experts in technology and economics, not people who are politically biased.

Pam Rosengren

MTC–00026636

From: jaco1387@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/27/02 4:48am
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,
Jeffrey Jacobs
10333 NW 43
Coral Springs, FL 33065–2364

MTC–00026637

From: Helmut Kurt Burri
To: Microsoft ATR
Date: 1/27/02 5:00am
Subject: Microsoft Settlement

To Judge Colleen Kollar-Kotelly

I write to you on the subject of the the United States'' civil anti-trust case against the Microsoft Corporation. As you know, on November 6 2001, the United States Department of Justice and Microsoft filed a proposed settlement.

This settlement was not aimed to find remedies for Microsoft infringements of Sections 1 and 2 of the Sherman Act. Rather it is a short term political and economical decision made by number of U.S. states. The decision to settle was not based on having found suitable remedies, that would stimulate innovation and competition in the computer industry nor to deprive Microsoft of its illegal gains. It was sadly driven by a conservative administration in the White House, with strong ties to corporate lobby groups. Microsoft was the second largest campaign donor the last election, giving $4.3 million to both parties, the largest share of this amount going to the Republicans. It now seems that Microsoft's stratagem has successfully divided the coalition of states and may have even bought the submission of the U.S. president to its will. The decision to settle well short of suitable remedies was also taken by states seeing that in slower economic times, their constituents may not look favorably upon a continued and expensive legal battle. Even if the possible long term economic benefits would outweigh the cost of continued litigation in the immediate future.

The facts have been laid down by District Judge Thomas Penfield Jackson in his final judgment. That Microsoft violated the Sherman Act, the nation's anti-trust law, through the use of its monopoly on the Windows personal computer operating system to stifle competition. Microsoft in so doing extended its reach into new areas as in the case of the Netscape Browser.

This is a practice Microsoft continues to engage in with its latest update to its monopoly product called WindowsXP, by ''bundling'' Windows Media Player with it. This tactic is aimed at Windows Media Player's competitors; Real Player by Real Networks and QuickTime by Apple Computers. These two products are the current leaders in digital movie streaming.

MSN Messenger is another product which is now also bundled on all WindowsXP operating systems and all copies of Microsoft OfficeX for Apple Mac OSX operating system. This results in MSN Messenger unfairly competing with AOL's instant messenger application. The detrimental effect on consumer choice by such actions is something I am sure you are aware of.

Microsoft continues to engage in practices which have been the focus of the anti-trust action brought upon them and subsequently found guilty of. It has shown that it has no intent at regulating its own actions, let alone ever admitting any form of guilt. Microsoft at times displays an arrogant annoyance that any one ever challenges their might and its innate right to do as it sees fit. This is regardless of good moral and ethical business practices and the law under which it must perform it's business.

Microsoft has often been described as an amoral organization, that will not seek to rectify the error of its ways. It will not heed unless you utilize the power invested in you, given to you by the citizens of the United States. I thus ask that you carefully consider the objections of the nine outstanding states and find stronger remedies that will accomplish the goals, as they were set out in the U.S. Court of Appeals:

(1) to prohibit the illegal conduct and similar conduct in the future,

(2) to spark competition in the computer industry.

(3) to deprive Microsoft of its illegal gains.

All of this should be resolved as quickly as possible in the public's best interest as well as to prevent Microsoft further crippling of the computer hardware and software industry.

I sympathize with your position You are faced with decisions that will have momentous consequence for decades to come. You will define the world that you and I will live in and that our grand children will seek, to enjoy the same freedoms that we should never take for granted, for fear of losing these very freedoms.

Yours Truly
Helmut Kurt Burri
Mook Media—Director
Sydney Australia

MTC–00026638

From: Daniel Dreier
To: Microsoft ATR
Date: 1/27/02 5:09am
Subject: Microsoft Settlement

To Whom it May Concern,

I am a network administrator and software developer at Verinform, a medical database software company. As we use both Microsoft Windows and Linux operating system based computers, I have a number of concerns about the proposed United States vs. Microsoft settlement.

My primary concern is that the proposed settlement does not address the very significant issue of file format documentation and compatibility. The problem we face at Verinform is that Microsoft uses a proprietary and undocumented format for the popular Outlook email program, a component of the Microsoft Office application suite.

Our work requires that we maintain a task list of to-do items, and that multiple employees be able to share these lists. Microsoft's Outlook provides an excellent method of doing this. Since Microsoft does not make public the format in which ''Task'' list items are transmitted via email, we are forced to use Outlook on all of the desktop computers in the company which need to use the to-do list.

Microsoft does not produce Outlook for the Linux operating system platform. We must therefor use Microsoft Windows, a seperate and unrelated product, in order to use the to-do list.

If the settlement forced Microsoft to release to the public, to competitors, and to the Linux community the format in which Outlook transmits this information, then a competing product could be created for the Linux operating system. Without a competing product, Microsoft has no incentive to release Outlook for the Linux platform; to do so would weaken their stronghold on the Windows operating system monopoly.

I am also concerned about the issue of enforcement. Although the settlement provides for a committee with investivative powers, this committee has no enforcement powers. Microsoft has demonstrated in the past that they are willing to use a lawsuit as a delay during which to exploit a monopoly. For example, Microsoft was taken to court on the issue of having used monopolistic powers to unlawfully give their Internet Explorer product an advantage over Netscape's web browser. By the time that the lawsuit had finished, Microsoft's Internet Explorer had become the defacto standard on the

consumer desktop. Regardless of the outcome of settlement, Internet Explorer will continue to be the leading web browser. There are no serious competitors.

Microsoft cannot be allowed to simply ignore decisions of the court, counting on the slow pace of the legal system and the appeals process to protect them. Although I would favor a breakup to force compliance, I understand that this is not generally considered to be a realistic measure to take. I feel that the currently proposed settlement will allow Microsoft to use loopholes to evade the intent of the settlement and simply ignore any elements of the settlements that cannot be otherwise evaded.

Sincerely,
Daniel Dreier
Director of Network Operations
Verinform, LLC.
ddreier@verinform.com
(503)246–2934
7037 SW 54th Ave
Portland, OR. 97219–1340

MTC–00026639

From: Chuck Pliske
To: Microsoft ATR
Date: 1/27/02 5:16am
Subject: Microsoft settlement

Dear folks,

I am writing to indicate my disapproval of the PFJ against Microsoft. As a 30 year computing professional, I have observed firsthand the effects of Microsoft's monopoly on the world of computing, and I believe that the proposed Judgement will do little or nothing to prevent future abuses by Microsoft.

Thanks,
Chuck Pliske
Seawell Microsystems
Seattle, WA 98166

MTC–00026640

From: Helmut Kurt Burri
To: Microsoft ATR
Date: 1/27/02 5:17am
Subject: Microsoft Settlement

To Judge Colleen Kollar-Kotelly

''The price of freedom is eternal vigilance'' against those who see our will and our innate rights as a hindrance that must be overcome. So that thee may subjugate us under their domination. We must always make it clear to all that we will not tolerate those who try to decrease our freedom, and take away our choices. We must fight those who corrupt and circumvent the process of law. And do so with impunity, as if thee are beyond the reach of the justice. And the eyes of the people, that the law proclaims to serve. The threat that Microsoft poses, is not confined to within a single nations border. Rather Microsoft is aiming to control, the links that cross these borders, and the very connections that binds one human being with another.

It is thus vital to push forward with, vigorous prosecution of Microsoft. Regardless off the weakness of some in the challenge posed in the defense of democracy.

Helmut Kurt Burri
Mook Media—Director
Sydney Australia

''The surest way to corrupt a youth is to instruct him to hold in higher regard those who think alike than those who think differently.'' (Nietzsche)

MTC–00026641

From: Shawn Lahr
To: Microsoft ATR
Date: 1/27/02 5:22am
Subject: microsoft settlement

Dear Sirs:

One example of Microsoft's detrimental business practices—for consumers—is what they have done to Web TV. What started out as a promising advancement for web access in the mid ''90s—especially for those who didn't want to buy a computer in order to explore the world wide web—was snuffed out when Microsoft bought WebTv and then did not develop it in any way. It is years behind in its non ability to incorporate Java and Shockwave technologies. A promising technology that could have challenged Microsoft Window's utility—or Apple, or IBM for that matter—was bought by Microsoft in order that it could be controlled and not allowed to develop into something would have put the web at the finger tips of millions of people. Microsoft saw a threat and eliminated it. This is just one of many examples of what Microsoft has done to STIFLE competition. Technology suffers. And access for many is still out of reach. The penalty for monopolizing a market should be stiff. It should not further benefit the criminal—by establishing a more powerful position in the education market, for example. thank you for your time,

sincerely,
Shawn L. Lahr

MTC–00026642

From: Gareth Paxton
To: Microsoft ATR
Date: 1/26/02 11:29pm
Subject: microsoft settlement

Dear Sir/Madam

As a BeOS user in the UK I am all too aware of the microsoft stranglehold on the IT industry as a whole.

The most worrying part of the problem was the OEM bootloader licence and its clasification as a trade secret. OEMs were obliged to refuse complimentary operating systems but were unable to offer reasons. This situation is resonant of certain device manufacturers who are ''unable'' to release the information needed for support on non MS platforms, for no apparent reason.

This is most applicable to ''winmodems'' which cut Linux and BeOS off from the net—where all the tech support is. MS would have to licence the Windows API to manufacturers, and could include a non disclosure clause to prevent support on other platforms. With ''trade secrets'' as they are we may never know.

The Legal situation is prohibitive and has held the IT industry back for years, where the richest corps with the best lawyers can cripple the competition. Advanced, faster, more reliable and free operating systems. Bear that in mind next time your PC crashes—how would you feel if your windows box was in control of a life support machine? I would sleep easy if it was my BeOS box.

Dear Sir/Madam

As a BeOS user in the UK I am all too aware of the microsoft stranglehold on the IT industry as a whole. The most worrying part of the problem was the OEM bootloader licence and its clasification as a trade secret. OEMs were obliged to refuse complimentary operating systems but were unable to offer reasons. This situation is resonant of certain device manufacturers who are ''unable'' to release the information needed for support on non MS platforms, for no apparent reason.

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The Legal situation is prohibitive and has held the IT industry back for years, where the richest corps with the best lawyers can cripple the competition. Advanced, faster, more reliable and free operating systems. Bear that in mind next time your PC crashes—how would you feel if your windows box was in control of a life support machine? I would sleep easy if it was my BeOS box.

Thanks
Gareth

MTC–00026643

From: O (only) W WILSON
To: Microsoft ATR
Date: 1/27/02 5:27am
Subject: RE: MICROSOFT SETTLEMENT

JANUARY 27, 2002
4:25 AM

I AM CONCERNED THAT THE MICROSOFT SETTLEMENT BE COMPLETED AS PER AGREED. CONTINUED CHANGING AND COURT DECREE WILL ONLY LENGTHEN THE PROCESS AND CAUSE FURTHER PROBLEMS WITH OUR NATION'S ECONOMY, THE SUCCESS OF A COMPANY, AND THE AVAILABILITY OF SOFTWARE/HARDWARE FOR THE COMPUTING PUBLIC.

SINCERELY,
O W WILSON, (owilson1@juno.com).

MTC–00026644

From: Robert L. Barnhart
To: Microsoft ATR
Date: 1/27/02 5:36am
Subject: Microsoft Settlement

Stop spending taxpayers money on this lawsuit which will only hurt consumers in the end.

MTC–00026645

From: Allene R Wahl
To: Microsoft ATR
Date: 1/27/02 6:19am
Subject: Microsoft Settlement

You must leave the amazing Microsoft alone. Don't let those special interests defeat the public interest.

Allene R. Wahl, Ph.D., C.N.C.
9746 W. Reeves Ct.
Franklin Park, IL 60131
Ph. (847) 678–5934 e-mail: allenew@juno.com

True cause of immune epidemic:

http://members.tripod.com/immune—disorders/index.html

MTC–00026646

From: gailb22@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:46am
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,
gail blissitt
324 merkle norman, OK 73069–6430

MTC–00026647

From: Rick Schaller
To: Microsoft ATR
Date: 1/27/02 6:49am
Subject: microsft settlement

Time to settle this matter in the manner proposed by Microsoft and the DOJ. More delay will continue to be a drag on the economy and further innovation in the industry. Anything more is just political and to siphon out money to the lawyers inthe case.

MTC–00026648

From: Dave Cook
To: Microsoft ATR
Date: 1/27/02 6:53am
Subject: Microsoft Settlement
To: US Dept. of Justice

Attn: Antitrust Division

Re: Proposed Final Judgement in Microsoft case

Let me first take a moment to introduce myself. I have been a professional software developer for over 20 years and am currently Vice President of Software Development at a local startup company in San Diego. I have never been employed, either directly or indirectly, by Microsoft, by any company closely affiliated with Microsoft, any of its competitors involved in this case, by the U.S. or state governments, nor by any group tending to take a strident view of the case (e.g. Linux vendors). In the course of my career I have developed software for both Microsoft OSes and other non-Microsoft platforms ranging from DEC VAX and PDP-11 to very small embedded systems. Furthermore, I have no personal relationship with any party involved in the case.

I have followed the course of this case (and indeed the previous case involving Windows 95) with somewhat detached interest, until recently when the proposed final judgement was published. Even though a principal finding of the trial court—that Microsoft has used illegal means to sustain its monopoly in operating systems—has been upheld on appeal, I can find nothing in the proposed Final Judgement that imposes an actual penalty for this violation of law. In addition, I do not believe that the proposed conduct remedies are useful, given that the Consent Decree in the previous case appears to have had no effect in deterring the offenses that are now the subject of the present case. The proposed Final Judgement contains only a section entitled ''Prohibited Conduct'', and the remainder of the document is concerned with enforcement procedures, termination, and the like. There is nothing resembling a penalty. In effect, the settlement amounts to the command, ''don't do it again'', despite the fact that consumers have suffered massive tangible economic harm, and that the market has suffered more intangibly from the presence of an illegal monopolist.

Attempting to make some kind of estimate of harm to consumers, suppose that the monopoly has been illegally maintained for 5 years. In that time, roughly 100 million licenses of various releases of Windows have been sold. Let us further estimate that the average effective price to consumers through OEM PC sales has been (conservatively) around $50, and that the absence of competitors has caused that price to be $10 higher than it would have been had there been no violation of the Sherman Act.

On this estimate, the approximate direct economic harm to consumers is in the vicinity of $1 billion. Of course there is a considerable error bar on this estimate as the impact of the illegal behavior is somewhat difficult to quantify, but the essential point is that the harm is certainly enormous and that Microsoft has profited directly from illegal practices.

Given the nature of the case and the existence of ill-gotten profits, an appropriate penalty would be a substantial economic one. I believe that a large cash fine is in order, and if calculated properly would cause sufficient discomfort at Microsoft to provide a real disincentive to continuing the behaviors it has been found to have committed.

That the proposed Final Judgement contains no actual penalty whatsoever in light of this level of harm is, in my opinion, patently contrary to the public interest, and I therefore urge the court to reject it as not being in the public interest, as the court is empowered to do. The government has proven its case, and the public is entitled to something better than a glorified restraining order.

Regards,
David B. Cook
7866 Hemphill Drive
San Diego, CA 92126

MTC–00026649

From: Info 4 SYNass.NET
To: Microsoft ATR
Date: 1/27/02 6:57am
Subject: Crack M$'s monopoly

Hello,

I believe ''American Law & Justice'' must be blind and deaf ... ... or there is a big corruption by its political elite in the case of Microsoft ;-((

In my eyes: M$ plays a very tricky game ... ... not paying respect to their customers nor the law. Not only this: As a monopolist it cheats and maltreats its customers.

They do not fulfil their obligations to customers needs ... ... they are caring their own cashcow and hide bugs and errors. They are placing ''Roadblockers'' to get their case running into hell ... ... if this happens: we'll have hell on earth: M$ = the biggest IT dictator affecting the every business around the whole earth !

A product having a market share more than 51% needs special observation including its companies practices ! A company having a product with a market share more than 66 % needs a mandatory break into independent (NO management buyouts) smaller units !! America and the world is fighting against terrorism ...

... M$'s monopoly is a kind of terrorism too: a FATAL economic terror: They have killed so many small but very good companies and products ... ... not only but also its working places and many human existencies. Blue eyes are beautiful ...

... but being blue-eyed to M$ is fatal for us all !! Mister B. G. may be a brave boy and son of his parents ... ... together with his company's gang he is a wolve in sheep fur ;-(FINE it PAINFULL with a sensitive very big money by CASH ! CRACK it into minimum 3 companies like:

1) Operating Systems
2) Application Software
3) Services (ASP, ISP and Joints like Telecom, and others) ...

... these could / should be cracked in perhaps more than only one unit ! DO it ASAP ... ... stop the M$ GAME ... ... before justice and law become inbelievable and looses its power against M$ in its worldwide cheaty, tricky monopoly game !!!

Kind regards and good luck
Albert M. Svoboda
Senior Consultant
IS Management & Organization

MTC–00026650

From: jwb13@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:59am
Subject: Microsoft Settlement

Please accept the settlement. It seems fair and continued litigation seems foolish.

MTC–00026651

From: Shawn Wing
To: Microsoft ATR
Date: 1/27/02 7:05am
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea. I think it is contrary to capitalism and is bad for the industry.

Shawn Wing

MTC–00026652

From: radioriley@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:18am
Subject: Microsoft Settlement

My view of a computer operating system is that of an automobile; How the car works—engine, brakes, etc., is up to the manufacturer. But the accelerator is always

expected to be operated by the right foot and found to the right of the brake pedal. In other words, the consumer is not obliged to hire a chauffeur provided by the manufacturer who knows where all the operating lever are secretly located.

J. David Riley
<radioriley@juno.com>
Ph: 941–747–8125 Bradenton FL 34212–2783

MTC–00026653

From: Russ Tuck
To: Microsoft ATR
Date: 1/27/02 7:26am
Subject: Microsoft Settlement

I remember happily paying Netscape a $30–40/year subscription fee for the use of their latest ''Communicator'' software. Netscape made several regular releases of their software each year, with major new features and improvements in each one. Then Microsoft decided to ''cut off their air supply'' by developing (at great expense) and giving away similar ''knock-off'' software.

Netscape was eventually forced to give their end-user software away, and as a result could no longer afford to invest in improving and extending it. Releases became infrequent, and significant new features quite rare. Once Netscape quit innovating in this area, Microsoft mostly quit, too. So several years later, I still prefer Netscape's software. I use it throughout each day for email and web browsing. But I miss the innovative new features and improved reliability Netscape would have added in the intervening years if they had been able to continue selling their software.

I used Netscape Calendar to keep track of my schedule and meetings. But now I'm forced to use Outlook for my calendar, because Netscape didn't have the resources to continue supporting and enhancing their calendar program. So I have to manually manage the sharing of my email between Netscape and Outlook (because the Outlook calendar requires Outlook email).

I had hoped that Netscape's Composer for editing HTML would become my regular text editor. By storing files in HTML, they would have been exchangable with people using all different kinds of software. But development stalled, and Composer never became the alternative to MS Word (and its proprietary file format) that I'd hoped for. Microsoft's illegal behavior has cost me 100s of hours (worth many $1000s) in lost productivity by depriving me of continued software improvements from Netscape.

Russ Tuck, Ph.D.
1136 S. Blaney Ave., San Jose, CA 95129
russ.tuck@alumni.duke.edu
Systems Architect
Pluris, Inc.
10455 Bandley Dr., Cupertino, CA 95014

MTC–00026654

From: energy—savers@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:24am
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,
Mike Rodgers
P.O. Box 924532
Houston, TX 77292–4532

MTC–00026655

From: Dan Burgin
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 7:28am
Subject: Microsoft Settlement

While no lover of Microsoft and their tactics—I feel that any marketshare gained by competitive browsers causes more harm to companies than most people realize. Being an entrepreneur of a venture-backed startup—I, like most of my colleagues, work hard to develop business plans that won't be too attractive for Microsoft to emulate and then destroy any competitors in the space by giving the technology away for free. While this sometimes make finding good Internet technology businesses more difficult—it is capitalism at it's best.

However, many people fail to recognize the incredible waste in development dollars spent by companies who develop Internet products with the browser as the primary client-side interface. I don't really care who wins the browser war, just as long as their is a default standard—right now that standard exists because of the dominance of Internet Explorer. Companies like Microsoft (and AOL/Netscape included) will never be required to build browsers that adhere to standards...quite the contrary, they ignore the standard as a way to compete. This means that if there is no clear winner in the browser war, there are now competing standards with signficant marketshare. This means that products built to work on both the browsers, as they now must, are required to a) either spend vast amounts of capital developing work-arounds for the competing standards, or b) lower the bar with the functionality of their solutions to meet the lowest common denominator of what works in both browsers. Each vendor who gains market share increases this complexity exponentially.

While I was just fine developing for Netscape when it was the dominant browser, I was actually happy when Microsoft came along with a browser that, because it was bundled into the OS, was easier for people to adopt. This gave it massive marketshare (well over 80% today). With minimal effort we now support all versions of Internet Explorer and only the most popular versions of Netscape and achieve 96% market coverage. Just to make matters worse, the open source efforts at Netscape mean that the 6.0 version of the browser works completely different from it's predecessors and the vicious support cycle continues. Most people couldn't care less which browser they use, but to small companies trying to build the next generation of browser-based applications—life is hell when more than one browser has significant marketshare. Browsers are simple interface devices that should be bundled, should be free, and should either follow the standard, or set it.

I am asking you to please consider trying to support a position that does not make market conditions worse, dramatically worse, for small technology business—and to let Netscape die the death it deserves—and that the market has dictated.

Dan Burgin, CTO
Finali Corporation
Westminster, CO

MTC–00026656

From: Barry's—Shurhold
To: Microsoft ATR
Date: 1/27/02 7:29am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Barry Berhoff
Palm City, FL

MTC–00026657

From: Don
To: Microsoft ATR
Date: 1/27/02 7:34am
Subject: Microsoft settlement

Gentlemen,

I believe that the settlement agreed to by the DOJ and 9 states was a fair and equitable solution. Microsoft was a strong competitor in a new rapidly growing industry in which no one new for sure what form the internet would take, and all were looking for an advantage in developing the system which would be chosen as the standard for the industry. Microsoft developed the best system and made it available at low prices. This in turn has led to making the internet affordable to almost anyone. Systems much simpler sold for thousands of dollars just a few years ago. Microsoft surely hasn't hurt the consumer, as he is getting more bang for his buck than ever before.

I think AOL and some of the so called class actions appear to be more aimed at getting a piece of the pie, or more harrassment than any thing else. I think it is time to settle this as the other 9 states accepted, and let Microsoft get back to business. We, the consumers have certainly benefited greatly from their innovation and expertise.

Thank you,
Donald L. Bintliff
Pea Ridge, AR

MTC–00026658

From: DonMatson@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:33am
Subject: ''My fellings and concerns. ''

I have read and have been following reports of the Microsoft case in news papers and am concerned that this is turning into a witch hunt agains't Microsoft, the settlement was by far more than fair, this looks like to me to be another ATT case which broke up

a great company and no one was the better for it. Mircrosoft has done a great deal of good and I believe that this suit should end for the good of the whole country, I could go on but I believe you now know my feelings and concerns. thank you for allowing me to share thoses concerns.

Donald E. Matson, Erie,Pa.

MTC–00026659

From: Gordon W grigor
To: Microsoft ATR
Date: 1/27/02 7:32am
Subject: Microsoft Settlement

If you please, Sirs and Madams,

The arrogance displayed by Microsoft in its responses to the DoJ REQUIRE a serious punitive reaction. A serious breaking down of its software divisions, contempt citings for management and financial penalties are the only suitable responses.

yours
Gordon Grigor

MTC–00026661

From: good-dog@northshore.net@inetgw
To: Microsoft ATR
Date: 1/27/02 7:43am
Subject: Microsoft Settlement

Dear Department of Justice;

The proposed settlement with Microsoft (MS) is much too weak to be an effective punishment. I believe this company thinks it can get away with just about anything if it uses words to disguise its true intentions. They are guilty of misleading

In specific, the Educational aspect of the settlement, which would allow MS to give away products and to ''sign up'' people to use their products for bargain basement prices, is appalling. MS believes they're being fair and generous with their offer, but if they really want to make amends, I second Apple CEO Steve Jobs'' idea that MS give only cash for the face value of the settlement rather than product that is actually worth much less.

If you look at the true cost to MS, the real cost of the products they want to give away will not even come close to the retail value. This seems like a typical MS strategy of subterfuge. The equipment, software and support proposed by MS to be given to schools and the alleged price of such a giveaway is not in any way causing MS to ''pay''. Rather, it's a recruitment move by MS and it will hurt competitors. This would only encourage their monopolistic behavior to continue in the future. What a bargain for MS. No wonder they are excited about their idea!. Please don't let MS get off scott-free with some gentle hand-slapping. They have very deep pockets. Their actions deserve serious consequences. Why would you go lenient on them yet go full tilt on smaller fish? It'd be a slap in the face of all that the United States of America stands for in terms of justice.

You've got MS where you want them, and you can do the general public a huge favor, help to foster fair business practices in the future, and serve justice by punishing these people where it hurts the most; in their wallet and in their reputation. Make them pay royally and do not allow them to create another monopoly in education with their phony giveaway idea.

Thanks.
Mark Winter

MTC–00026662

From: John Stevenson
To: Microsoft ATR
Date: 1/27/02 7:42am
Subject: Microsoft Settlement

I thought that Microsoft had been found in court to have engaged in anti competitive practices. These practices damaged some smaller companies and left them weaker and/or unable to compete except in niche markets. I see NO signs in this proposed judgement that any attempt is being made to manufacture large strong competitors in a manner that would balance the playing field.

Where is justice in this?

Companies ''killed off'' or seriously damaged by Microsoft's illegal actions have—what redress?

Even for the future what serious levelling of the playing field has been done? I support the suggestion that Microsoft be forced to give cash rather than Microsoft's own products (advertising/training of the next generation of potential purchasers into the Microsoft world) to the disadvantaged schools. Even better might be to force them to make at least part (say—third cash/third competing/third their own—all by retail price) of the ''donation'' in open source competing products so that the new generation of schoolchildren are exposed to more than Microsoft based computing systems. How big will the total real value of the ''donation'' have to be to really punish them—the figures I have seen do not look like a punishment—just a slap on the wrist for this giant predatory monopoly who used illegal methods to advance their position. I suggest that since Microsoft have used their illegally obtained virtual monopoly on software to take control world-wide—the schools ''donation fine'' (as modified above) should be applicable world-wide and should be massively increased.

The USofA so often sets itself up as the maintainer of Justice and Righteousness for the world—the setter of the standards—let us see it publicly discipline ''one of its own'' which has been found guilty of illegal practices that have damaged many people and companies world-wide.

Yours
John Stevenson

MTC–00026663

From: Shirley A Hackenberger
To: Microsoft ATR
Date: 1/27/02 7:59am
Subject: Others are Jealous

It's time to end this costly battle over Microsoft, others are just jealous. No sense in dragging out this battle, please put a end to this now.

Shirley Hackenberger

MTC–00026664

From: Jo Gimse
To: Microsoft ATR
Date: 1/27/02 8:11am
Subject: ''Microsoft Settlement.''

PLEASE END THIS FIGHT AND MAKE A SETTLEMENT SO WE SENIORS CAN GET ON WITH LEARNING THIS COMPUTER AND ENJOY IT. WE ARE SO VERY SORRY SOME RICH WANT TO GET RICHER BUT YOUR COMPANY HAS

SHOWN TO US THAT YOU CARE ABOUT THE PEOPLE, BY GIVING OF YOUR SELF AND YOUR PRODUCTS TO THE SCHOOLS, WHICH THEY NEED AND REALLY APPRECIATE.

WE SEE NO WRONG IN ANY ONE GETTING AHEAD BY THEIR BRAINS AND WE SAY, HIP HIP HURRAH FOR YOU.

WE HOPE THEY GET OFF YOUR BACK SOON, AND LET THE WORLD GET ON WITH THEIR LIFE WITH YOUR MICROSOFT. IF THE COMPETITORS WANT TO GET BETTER LET THEM BUT DO THEY HAVE TO DOWN GRADE YOU TO DO IT, NO NO NO !! GOOD LUCK AND WE PRAY YOU GET THIS OUT OF THE WAY SO YOU CAN GET ON WITH ALL THE WONDERFUL THINGS YOUR COMPANY DOES, AND DOES SO WELL.

SINCERELY,
JO & JAMES GIMSE
4829 SOUTH 7TH STREET
TACOMA, WASHINGTON 98405–1206

MTC–00026665

From: Susan M Hansen
To: Microsoft ATR
Date: 1/27/02 8:03am
Subject: Microsoft Settlement: No Good!

The proposed settlement is a bad idea.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). I believe that thecourt should reject the proposed USDOJ vs Microsoft final judgment and instead adopt the remedies in the proposed final judgment of the nine states as the final judgment.

Sincerely,
Susan M Hansen
100 Rosewood Rd.
Rocky Pt., NY 11778

MTC–00026666

From: Patricia Riendeau
To: Microsoft ATR
Date: 1/27/02 8:16am
Subject: Microsoft Settlement
1670 SE Chello Lane
Port Saint Lucie, FL 34983
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Our country is based on our desire to succeed. We cherish the ideals that have made this a great nation. Why punishment when success is ''too'' great? Finally, after three long years, this whole matter seems on the verge of being over and done with. Microsoft was wrongfully prosecuted for being a monopoly and it is high time that this whole matter is resolved so that they can get back to business as usual.

They have such a desire to see this case over and done with that they have made extreme concessions that would normally never be expected of any other business. No other company would be expected to give over its trade secrets so that its competitors could get a leg up. But that is precisely what Microsoft is called upon to do and expected

not to retaliate when their products are squeezed out of the market.

I hope that such extreme measures will satisfy everyone, but I'm sure that there are some people who won't give up until they get a personal check from Microsoft. I hope that these people see just how much that this lawsuit is hurting the average American who depends on Microsoft products.

Sincerely,

Patricia Riendeau

MTC–00026667

From: Art Sullivan
To: Microsoft ATR
Date: 1/27/02 8:30am
Subject: Microsoft Settlement

I am a corporate developer and what I see in the settlement does not addrress the major problem I have .

Microsoft with every release appears to exclude more and more software competitors. They are doing this by making middle ware none functional or none addressable.

I suggest the actions outlined below be address.

Thank you for your conmsideration

Art Sullivan

3 Haymount Terrace

Briarcliff Manor, NY 10510

Action

Establishment of a Windows API Standards Expert Group To clearly and unambiguously establish what is required, technically and legally, for an Intel-compatible operating system to install and run Windows applications properly, the Court shall take the following actions with the goal of creating and maintaining an Essential Windows APIs Standard Definition and corresponding Essential Windows APIs Standard Compliance Test Suite:

1. Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

2. Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non- disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

3. Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

4. Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

5. If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

6. Promptly after appointment of the WASEG by the Court, the united states shall enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

1. The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

2. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

7. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

8. The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

9. The WASEG shall have the following powers and duties:

1. The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

2. The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for hitherto undocumented or poorly-documented Windows APIs.

3. The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

4. The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

5. The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types. Within 90 days after the WASEG is convened, and on the 1st of each month thereafter until complete, the WASEG shall make the currently completed portion of this list available via its web site. The WASEG shall use tools such as Apius from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

6. The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and which Windows APIs each patent covers. The WASEG shall compile this list by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG shall make the completed portion of this list available via its web site.

7. The WASEG shall compile documentation for the above list of Windows APIs, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www.UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

8. When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

9. The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs; this shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site.

10. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

MTC–00026668

From: John Bork
To: Microsoft ATR
Date: 1/27/02 8:38am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. Background:

I am resident of the State of Ohio and a professional computer programmer who works in both Microsoft and non-Microsoft environments. I have been using microcomputers for over 20 years, and have witnessed Microsoft monopolize the PC world. Lately, however, there seems to be a glimmer of hope in the proliferation of the Linux operating system, which indeed Microsoft has recognized as its greatest potential threat.

Specific Failing in the Proposed Settlement:

The Proposed Settlement does not recognize the unique contribution of the Linux operating system and the so-called ''open source movement'' to regenerating a competitive market in the PC software business. I executed a search on the Revised Proposed Final Judgment and found no mention of Linux. As for details, I defer to more competent analysts such as Jeremy P. White, CEO of Codeweavers, Inc., and Dan Kegel, who have already submitted comments.

Closing Comments

It is obvious that in the years that this case has progressed, Microsoft has taken steps to further integrate the functionality of its Internet browser into the underlying operating system. The ''.NET Framework'' Microsoft is now promoting will further extend the reach of their monopoly. Without an immanent settlement or other legal relief, the advance of Microsoft as the default software provider in the PC world only grows stronger. Eventually, there will be no relief possible. As an American and a professional computer programmer, I fear the loss of this freedom.

Sincerely,

John Robert Bork

Findlay, Ohio

MTC–00026669

From: Steve Weller
To: Microsoft ATR
Date: 1/27/02 8:49am
Subject: Microsoft Settlement

I don't like the settlement terms because it will make it difficult for companies like CodeWeavers to put such fine products as Wine.

Steve Weller
Steve Weller
P.O. Box 3528
Newport Beach, Ca 92659

MTC–00026670

From: Mac
To: Microsoft ATR
Date: 1/27/02 8:55am
Subject: Microsoft Settlement

I am a professional marketing and advertising person using an Apple platform computer.

I hope the the DOJ breaks up Microsoft into smaller companies that allow more competition in software and hardware development. The Windows OS should be a separate and non-linked program. Having Internet Explorer as a web browser on an Apple OS computer is a real problem. When installed, it will set itself as the default web browser, even though it is installed NOT AS A DEFAULT in it's own set up process.

It sets too many default preferences for Microsoft products. If Internet Explorer is installed, it will set Outlook Express as a default email program, even when it is not installed on the computer. It also installs preferences for components in the Office suite (iE: Excel, PowerPoint, Word,etc) even though these ARE NOT INSTALLED on the computer. This forces me to have to go through several ''preferences'' control panels to reset the email program back to either Eudora or Netscape as the default email program. When installing Internet Explorer, there are NO OPTIONS to prevent this. One must install the entire program with other computer preferences being changed without my approval.

There is also, no provision in Internet Explorer to UNINSTALL it from any computer. One must search the hard drives for any and all components that are part of the program. If these are not removed, the computer will crash and other browsers, like Netscape cannot run until they are gone.

Microsoft does make some good products, but when their products reset my preferences, without my approval, this shows how inconsiderate they are of other platforms and software manufacturers. Please break up the company into two.

(1) One for the operating system and one for the other softwares.

(2) Require all Microsoft installers to have specific and individual options for what is or IS NOT installed on any computer. Microsoft has no right to decide what softwares I want or need and should not be allowed to atuomatically install prefences, programs, links or any other component that is not vital to the web browsers operation. I should be able to choose what is installed.

Joe Maltby

gbdesign@new.rr.com

MTC–00026671

From: royerfe@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:57am
Subject: Microsoft Settlement

Please end this litigation NOW!!!

MTC–00026672

From: Jeff Bonar
To: Microsoft ATR
Date: 1/27/02 9:04am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed Department of Justice (DOJ) settlement of the United States vs. Microsoft antitrust case.

Background:

I am the founder and CEO of JumpStart Wireless Corporation. We develop wireless software applications available for 1/10th the cost of wireless software using convention techniques. As the leader of a small software company, I read the proposed Microsoft settlement with dismay. Microsoft has used it's monopoly position in desktop operating systems (OS) to effectively kill off all competition in the desktop software and small network space. Their business actions over recent months, with the release of the Windows XP operating system, indicate that they have their eyes in similarly killing off competition for multimedia applications and network services—their ''.Net'' initiatives.

Similar business behavior for Wireless software is only a matter of time. Already Windows CE, Pocket PC, and the code-named ''Stinger'' phones are marketed using techniques that leverage Microsoft's desktop monopoly.

Software and information technology is a critical part of the evolving ''Information Age''. To allow one company to dominate leverage their monopoly to dominate major segments of information technology costs all of us—the market cannot function to produce innovation.

I feel strongly that the settlement of Microsoft's monopoly case should provide real, strong, and effective remedies that force Microsoft to compete on a level playing field.

Specific Failing in the Proposed Settlement: 1. The DOJ settlement should restrict the core way in which Microsoft unlawfully maintains its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ?middleware?) like Web browsers and Java, to the OS. While technically obscure, these components are the engine of innovation in the emerging world of networked and wireless applications. Particularly offensive, for example, is the Windows XP decision to treat all Java applications as security threats.The Court of Appeals specifically rejected Microsoft's petition for rehearing on the bundling issue, yet the proposed settlement does nothing about it

2. The DOJ settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized. The DC Circuit ruled that a remedy must ?unfetter [the] market from anticompetitive conduct? and . . . ?terminate the illegal monopoly,? but

the DOJ deal does nothing to restore competition with Windows. Most critical, the new settlement should put complete documentation of the detailed Windows information (known as ?APIs?) in the public domain. Because this is technically quite difficult without the release of information that Microsoft withholds from most developers, Microsoft must be compelled for fully cooperate in this activity. As currently formulated, the DOJ settlement only reinforces the Windows monopoly.

3. The DOJ 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. Microsoft continues to demolish potential competition in new markets just as it did in 1995–98 to Netscape. The Court of Appeals ruled that a remedy must ?ensure that there remain no practices likely to result in monopolization in the future,? but the DOJ deal does not even try to restrict ways in which Microsoft could (and already has) leverage its Windows monopoly in the future.

Closing Comments:

I have focused my comments here on how the proposed settlement would affect JumpStart Wireless Corporation. I have been particularly helped by the analysis published by the Computer and Communication Industry Association at http://www.ccianet.org/papers/ms/sellout.php3.

I feel that the proposed settlement has other serious flaws. To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html. I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,
Jeff Bonar
CEO JumpStart Wireless Corporation
Jeffrey Bonar, Ph.D
JumpStart Wireless Corporation
398 West Camino Gardens Blvd #204
Boca Raton, FL 33432
561–347–6710
jeff.bonar@jumpstartwireless.com

MTC–00026673

From: runningfree1@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:04am
Subject: As a 20 year computer user, I want to voice my disapproval

As a 20 year computer user, I want to voice my disapproval of all the attacks on Microsoft. The state of our economy is in part do the the JHAD the Justice Department has made on Microsoft. Consider, if not for Mircosoft you would not likly be able to run your computer. If you think not just try using DOS, or UNIX or the 20 other operating sustem's on the market. Windows made it so any idiot can run a computer which caused millions of people to buy a computer. A few jealous competitors and sympathetic government bureaucrats is not a good reason to wrack havoc on a America dream company.

Gilbert J Smith

MTC–00026675

From: loimcar@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:17am
Subject: microsoft settlement

I support settlement of microsoft issue as best for the citizens of this country.

Lois M Carter

MTC–00026676

From: papaw75@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:23am
Subject: Microsoft Settlement

I feel very strongly that the Justice Department should accept the Microsoft settlement and do NO further litigation on this matter. I believe accepting the settlement will be good for the economy and all parties concerned.

Orbin M. Sexson
105 Patterson Dr.
Au8burndale, FL 33823–2323

MTC–00026677

From: cholley@duke.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 9:24am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear DOJ,

As an avid computer user, I have been following the Microsoft Antitrust case with interest for several years now. In light of the recently proposed settlement, I am very disappointed in the proposed remedies and I would like to focus on two points:

1. The remedies do nothing to protect the interests of open-source software, such as the Linux operating system and Apache server software. These open-source projects represent some of the few remaining alternative to Microsoft products and must be protected.

2. The proposal does nothing to address the Microsoft .NET project, which is aimed to replace the wonderfully platform-independent Java programming language with yet another Microsoft product. This will allow Microsoft to even further leverage their stranglehold on the Windows operating system by eventually dropping support for Java.

I know that a great many individuals have expressed their own disappointments with the Microsoft Settlement—thank you for taking the time to read mine.

Sincerely,
Christpher Holley
Durham, NC
Medical Student
Duke University
Department of Pharmacology and Cancer Biology
phone: 919–613–8625
fax: 919–681–1005

MTC–00026678

From: Ron E Tecklenburg
To: Microsoft ATR
Date: 1/27/02 9:26am
Subject: Microsoft Settlement

Dear Sir

I am a senior citizen and would like you to know that if it wasn't for Microsoft Windows I would not even be using a computer.Thanks to Microsoft me and thousands like me are doing very well with computers. I hope you will drop the charges against Microsoft Corp.

Thank You
Ronald E. Tecklenburg
2839 Elk Peak Ct.
St. Louis MO. 63129–5706

MTC–00026679

From: Otto C Grummt
To: Microsoft ATR
Date: 1/27/02 9:28am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am just an ordinary citizen who has been following the actions against Microsoft. As such, I have been concerned about the apparent government actions as a plan to ''get Microsoft''. The actions of Judge Penfield Jackson were particularly inappropriate, in my opinion.

I want to be counted among those who oppose further action against Microsoft. I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

Thank you for allowing me to express my opinion.

Otto Grummt
11104 Flora Lee Dr.
Fairfax Station, VA 22039

MTC–00026680

From: Andy Pasulka
To: Microsoft ATR
Date: 1/27/02 9:30am
Subject: Microsoft Settlement

I do not believe that Microsoft's proposal for a settlement to their antitrust suit is satisfactory in the least. They have proposed their settlement

1. to effectively take squatter's rights on a slice of the educational market they can't win by ordinary measures and

2. to put those users and organizations on the Microsoft upgrade treadmill.

Their proposal does nothing to address the original DOJ complaints, and in fact, reasserts their predatory nature on the marketplace. Please do not accept their proposal.

ANP

MTC–00026681

From: Brian Gockley
To: Microsoft ATR
Date: 1/27/02 9:32am
Subject: Microsoft and Monopolys

Thank you for taking the time to read this letter. Thank you also for you persistent efforts to review this large and important case. I have very little to say that has not already been said, but would like to take this opportunity for public input to do so. I have small business experience with several Operating Systems including Windows, Macintosh, Atari and Amiga. I was a

computer store manager that sold these products, a trade publication journalist and a trade show promoter who ran computer shows in CT.

In all of these positions, we were always pushed as much by individual buyers as by Microsoft into selling Windows. Even though most people recognized it as an inferior product, the fact that they used it at work was the determining factor in what they purchased for home use. In theory, this is how the free market is supposed to work: unfettered competition bringing out the best product as the market winner, with a great deal of innovation.

It is hard to argue that there has not been innovation in the computer industry, however, the question is whether it was encouraged or restricted by Microsoft's Windows OS. I think the challenge for the judge is discerning how the mechanics of the industry mean that the OS that sits on top of the hardware controlled instead of opened the market. Because the OS and the hardware have been linked, software developers and programmers have had to write separate versions of all their program. If any one of the companies could have written software that ran on anyone's hardware, then we would have had a very different market, Instead, great innovations like the Atari OS, the Amiga OS, the NeXT OS, GeOS and others would still be around. Other innovations like the Unix/Linux development would not have had to duplicate simple programs like word processors, etc. to run on their own OS. The loss of the code and development time that these innovators wasted is directly because of the unbreakable link between the Intel hardware and the Microsoft software.

The field is far from level, thank you for addressing the manner in which this situation has developed. I hope that your solution encourages innovation and open standards.

Thank You,
Brian Gockley

MTC–00026682

From: Harold L. Burnsed
To: Microsoft ATR
Date: 1/27/02 9:32am
Subject: Microsoft Settlement

I think it would be in the best interet of all concerned to accept this settlement and put it to bed. The cost is getting out of control and no reasonable excuse for it. Let's get on with economy and other issues that face this nation.

Thanks for your consideration to accept the settlement and move forward

Harold L. Burnsed
8612 Rancho Drive
Ooltewah, TN 37363
hburnsed@juno.com

MTC–00026683

From: GERHARD (038) ERIKA DIESENER
To: Microsoft ATR
Date: 1/27/02 9:42am
Subject: Letter to the GENERAL ATTORNEY MR. ASHCROFT.

Dear Microsoft.

My letter was send a couple of days ago to the attorney general Ashcroft. I was very pleased with your draft it realy expressed my thought.

Gerhard Diesener
E-mail. gerderika@ isni.net

MTC–00026684

From: jackchro
To: Microsoft ATR
Date: 1/27/02 9:43am
Subject: free to innovate

Microsoft has inhibited the growth of a very wide range of companies for many years. ONLY the government has the power to protect all of our other software and hardware providers. Clear and accurate evidence was presented, and Microsoft was found guilty. Since when and where do those found guilty get to decide their own punishment? The states that have held out from the settlement are acting on behalf of the citizen and consumer. They need to be respected and heeded. Break the monopoly and let those who truly innovate be free from unfair business practices.

MTC–00026685

From: Dorothy G Munoz
To: Microsoft ATR
Date: 1/27/02 9:46am
Subject: Microsoft Settlement

Gentlemen:

In the best interest of the public in general, especially Senior Citizens, please complete the compromise settlement with Microsoft now.

Thank you.
Sincerely,
Dorothy G. Munoz
DGM6377@juno.com
190 SW 3 St.
Dania Beach, FL 33004–3927

MTC–00026686

From: John Steiner
To: Microsoft ATR
Date: 1/27/02 9:48am
Subject: Microsoft Settlement

Dear Department of Justice:

We are in complete agreement with the following from Computers for Computing Choice regarding the Microsoft case:

Sincerely,
John Steiner and Margo King
Boulder, Colorado

Microsoft has twice been found guilty of serious violations of the

Sherman Antitrust Act, by a federal District Court and by the United States Court of Appeals. While the Court of Appeals reversed the breakup order issued by the District Court, it upheld the trial court's Findings of Fact and affirmed that Microsoft is guilty of unlawfully maintaining its monopoly.

The Court of Appeals ordered the District Court to hold proceedings to fashion remedies that restore competition and deprive Microsoft of the fruits of its illegal conduct.

The Department of Justice is attempting to prevent these proceeding by entering into a settlement with Microsoft that preserves its monopoly power, does virtually nothing to restore competition, and leaves Microsoft with all of the ill-gotten gains from illegally maintaining its monopoly.

The settlement will still allow Microsoft to extend its triple monopoly in operating systems, office applications, and Internet applications. This triple monopoly leaves Microsoft in a position to capture control of the Internet in the same way it gained control of the desktop.

Microsoft is already planning a future in which you will rent its software as a set of services over the Internet. Microsoft will then monitor your computing activities and charge you for them. Essential services will be dependent on databases that store much of your private information at Microsoft data centers and run your transactions through them. The only way to stop this is to restore competition in operating systems, office applications, and Internet applications now.

Consumers for Computing Choice believes that any settlement or Final Judgment must include remedies that provide:

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

MTC–00026687

From: Marvin E Petersen
To: Microsoft ATR
Date: 1/27/02 9:54am
Subject: settleing of Microsoft suit.

I feel that the settlement offered is in the public interest and I want you to settle with M. S. now . they are helpful and not a threat to the selfish competetors. Do it Now.

Marvin Petersen.

MTC–00026689

From: Shawn Cooper
To: Microsoft ATR
Date: 1/27/02 9:59am
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am very disappointed in the way the Department of Justice settled the Microsoft anti-trust case. What disappointed me most about the settling of this case was the the Department of Justice (DOJ) did not work to seek a remedy that all the suing States accepted. It's my opinion that since the DOJ partnered with the State's to sue Microsoft for anti-competitive practices, then the DOJ should have followed though by creating a settlement that all participants could back.

Sincerely,
Shawn Cooper
4509 Broadway #305
Kansas City, MO 64111

MTC–00026690

From: Timothy Huenke
To: Microsoft ATR
Date: 1/27/02 10:01am
Subject: Please don't settle this!!

Bill Gates and his croneys are criminals. Period. He and his crew have done nothing more than lie, cheat and steal their way to the top. If you don't believe me research the history of the company. So many technological advances have fallen into obscurity because of their business practices it's not even funny. Have you ever seen the BE Operating System? What happened to Word Perfect? Why won't some official admit publicly that Microsoft's entire operating system is nothing more than a cheapened knock-off of the Macintosh Operating System. Letting MS ''get away with it'' one more time just proves that money will get you anything.This does nothing more than make honest citizens and business both equally jaded and despondent.

Here's an idea for a settlement: Tell Microsoft to put it's money where it's mouth is, and let's see how ''innovative'' Billy and his team really are. Sequester off the entire design staff of Microsoft for six months letting them have no contact with the outside world. During that time order them to come up with something entirely new and ''innovative'' for the computer industry. What do you think they would come up with without having other companies ideas to steal? I'll tell you what, you'd get zip out of them. That's because the heads of Microsoft are not creative, innovative folks.

I wouldn't even take into consideration the economic effects of any punitive damages on MS. Even if the company was utterly destroyed, (which in my opinion is the best answer) the technology sector would still thrive. It would simply clear the way for a more competitive tech sector that would rise to new heights unimagined by stock analysts today. I'm sure that there are companies afraid to produce software innovations today because of the fear and loathing imposed by the ''Bullies of Redmond''.

Do the public a favor for once and properly punish these criminals and treat them for what they are: Technological Cosa Nostra.

Tim Huenke

MTC–00026691

From: Kevin O'Neill
To: Microsoft ATR
Date: 1/27/02 10:03am
Subject: Microsoft Settlement

Greetings,

I say don't let up on them. A large past of their success is based on unfair practices. As a consultant, they have made my like difficult over the years by making it harder or even impossible to install competitor's software.

They have been devious at the cost to the user. Favoritism is unfair to the little guy.

Regards,
Kevin O'Neill
Paso Robles, CA

MTC–00026693

From: Holly
To: Microsoft ATR
Date: 1/27/02 10:05am
Subject: Microsoft Settlement

I am a private citizen writing to register my complaints against Microsoft, and my hope that the Department of Justice might actually look at the issue of Microsoft's essential monopoloy of the software marketplace from the point of view of an ordinary user. MS has developed a wide variety of nice software. However, it's also infamous for bugs and security risks.

Why? Because they care only about controlling the market so they can make the most money possible. Their goal is not to make a reasonable amount of money while serving people well, but to maximise their profit while minimising their investment of money and time. Quality is always the first sacrificial victim of such a mindset. This is the same kind of reasoning that has gotten our planet into such trouble, environmentally, socially, politically....you name it.

As long as the primary goal is making money, and that goal is not at least marginally balanced by a willingness to look down the road at the future, we will have software that crashes computers and doesn't deliver what the hype promised. I wonder just how much wasted time there is in business alone, brought about by MS's buggy programs? How many problems due to viruses, thanks to MS's sloppiness about program security? I'm no expert on these subjects. But I am a Microsoft program user, because there's NO EFFECTIVE competition, due to MS's stridently irresponsible marketing. As a user, I have to constantly back up things, I have to be constantly wary about viruses, I have to assume that new releases will be less stable than old. Surely it's obvious that these mindsets don't advance business, or research, or anything other than MS's income?

I sincerely hope you will look at these issues with the big picture in mind. What will tomorrow's computing future look like with MS in the driver's seat?

Thank you,
Holly Shaltz
http://www.hjsstudio.com
http://www.shaltzfarm.com

MTC–00026694

From: Jim
To: Microsoft ATR
Date: 1/27/02 10:06am
Subject: Microsoft Settlement
821 Cross Street
Destin, FL 32541
January 26, 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 disgust at the lengthy and costly lawsuit brought against Microsoft over the last three years. Microsoft has been a pillar of our Technology industry creating jobs, generating wealth, and making technological breakthroughs. As a proponent of free enterprise, I think the government needs to stop sticking their noses into private business matters.

The terms of the settlement are very harsh and will inhibit Microsoft's ability to be competitive especially the stipulation forcing then not to enter into third party agreement that obligates exclusive distribution of Microsoft products. Also, forcing them to disclose interfaces that are internal to Windows operating system products seems to be a violation of their intellectual property rights.

Nevertheless, it is in the bets interests of the American public for the litigation to end, so I urge your office to implement the settlement and suppress the opposition from bringing future lawsuits.

Thank you.
Sincerely,
Jim Lundstrom
cc: Representative Jefferson Miller

MTC–00026696

From: DeP's
To: Microsoft ATR
Date: 1/27/02 10:06am
Subject: Microsoft Settlement

Dear Sir,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place. This new OS will have unique & specifics features a part of the classic general computer characteristics. but there is no hope of success if the following issues aren't addressed :

*MS Office and Windows are too close to let consumers choose between several OSs. Working on medias on BeOS (because of its unique features and low cost applications), I has sometimes letters to send and because MS Office monopoly, I have no choice than boot on Windows and work on MS Word. MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non- Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

*All the OEM Microsoft should be able to propose a ''dual boo'' for an alternative operating system if the consumer wants it. With dual booting, consumers will be able to compare closely the characteristics of teh OS and chose. The pressure of Micorsoft on the

OEM leave the alternative OSs as ''geek toys''. ''TuneTracker'' application let you build a fully automatic radio with half the price comparing to Windows applicatiosn.

*The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

*The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions. This should restore and improve competitiveness in the computer market and improve consumers benefits. This should certainly let me choose between all the products available in the market.

Best Regards
Damien-Pierre LESOT
12, Rue Blomet
75015 PARSI
FRANCE

MTC–00026697

From: Russ Britton
To: Microsoft ATR
Date: 1/27/02 10:07am
Subject: MICROSOFT SETTLEMENT

We are in favor of the agreement. It's time for the Justice Department to spend more time on going after terrorists and less time going after Microsoft on behalf of AOL Time Warner.

Russ & Donna Britton

MTC–00026698

From: Tim Harper
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

This settlement is bad. Microsoft has made a habit of providing badly designed and poorly conceived software while doing everything it can to thwart any competition whatsoever. There has never been a release of a Microsift product that does not have some major functionality flaw or security hole. It is time to take this corporation to task and force them to behave responsibily as a United States corporation acting in the interest of the US at large.

Tim Harper

MTC–00026699

From: Stuart Wyatt
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

Dear sir(s),

Microsoft is getting away scot free. They are a huge monopoly, and if they are not stopped now, then I fear that it will be too late in the not too distant future.

MTC–00026700

From: Tim Harper
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

I am against the Microsoft court settlement. I think the settlement is not punishing Mcrosoft for their obvious infractions and does not have the interest of the United States citizenry at heart.

MTC–00026701

From: joseph.fylypowycz@us.pwcglobal.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:27am
Subject: Microsoft Settlement

FYLYPOWYCZ
36 SCOTLAND DRIVE
READING, PA 19606
January 22, 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 recent settlement between Microsoft and the US Department of Justice. I am a huge proponent of the capitalist system, and I thoroughly believe Microsoft is one of our country's biggest assets, both through job creation and through technological advances.

I have never felt that my rights as a consumer have been infringed upon. Nor do I feel that Microsoft represents a monopoly, since it consistently delivers quality products at prices that are reasonable relative to the market. Nevertheless, the terms of the settlement will serve to temper Microsoft heavy-handed marketing tactics. Fostering improved relations with software developers and computer makers by changing such business practices as licensing and marketing will help to reach this objective. Moreover, relations will improve if Microsoft eliminates anti-retaliation agreements, which it is also pledged to do.

Although I think the lawsuit was flawed from the start, it is now in the public's best interests for this dispute to go away, and therefore I support the settlement and your office making it become a reality. Thank you for your time.

Sincerely,
Joseph Fylypowycz
CC: Sen. Rick Santorum

MTC–00026702

From: fredged@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:20am
Subject: Microsoft settlement

In my option I think the Microsoft settlement is fair, lets not let the lobbies take control. Get on with it.. End it now.

Fred Gedney
New Smyrna beach Fl.

MTC–00026703

From: Richard Mundwiller
To: Microsoft ATR
Date: 1/27/02 10:21am
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to express my support of the settlement agreement between the Department of Justice and Microsoft in their ongoing antitrust case. As a consumer, I find the terms of the settlement and Microsofts concessions to be fair, and I am in favor of ending the case in the quickest manner possible.

The government's antitrust case has been ongoing for three years, but the changes Microsoft has agreed to will allow them to operate legally and promote a competitive marketplace. Ending the case will better allow Microsoft to develope new technology and promote its existing products. Under the settlement, Microsoft will now, for example, be required to adhere to a uniform pricing list when licensing Windows out to the twenty largest computer makers in the nation. With the current slump in the economy, Microsoft's continued financial success is important on a national scale. I would like to see the matter resolved according to the terms of the agreement.

Cordially yours,
Richard C. Mundwiller
HCR 70 Box 1147
Camdenton, Mo. 65020

MTC–00026704

From: PRISCILLA H MORRIN
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

Do not let these special interests defeat the public interest. This suit has been ridiculous from the start! What a waist of money and time in the courts.

P. H. Morrin

MTC–00026705

From: sbutler17@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

I strongly believe that this investigation has gone on long enough. I also believe that it is in the best interest of all parties involved to bring all charges to a close. Money has been spent on this investigation that could be used in a much more useful way to benefit all Americans. Mr. Gates and Co. have been successful due to hard work and presenting products that have been useful to the American public.

My strong recommendation is that time has come to bring this to an end.

Sylvia Bailey Butler
North Carolina

MTC–00026706

From: Harold Hutchison
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

I support this settlement only because it does not appear that this frivolous case will be completely tossed.

I have serious concerns about the fairness of the Findings of Fact in this case issued by Judge Jackson, who had been giving media interviews during the case.

I also question the fact that AOL/Netscape has filed its own suit using these Findings of Fact. This leads me to believe that their complaints were motivated solely to send the DOJ on a fishing expedition that could be used against Microsoft later. There are still alternatives to Windows as an operating system: There is Linux, and there is a competing line of computers in the Macintosh. My brother was able to find copies of Linux and install them. Macintosh is also an alternative for those who do not wish to use Windows. To say Microsoft has a monopoly is a pretty big stretch in my opinion.

From my understanding the browser wars involved some fierce competition, and there were probably a few too many elbows thrown by Microsoft. However, this settlement should address the situation while ending a

case that should not have gone as far as it has.

Personally, I'd have felt better had the Findings of Fact and the Conclusions of Law been thrown out altogether, and Microsoft had been granted a new trial. However, a settlement that keeps things at the status quo is one that I can live with. Given the war on terrorism, this case needs to be resolved quickly, even if the settlement is less than perfect. Every dollar spent on this case is money that does not go to protecting us from a threat that is clearly worse than any theoretical threat posed by Microsoft.

This settlement is, on balance, in the best interest of the public, and I support it.

Sincerely,

Harold C. Hutchison

MTC–00026707

From: gcretaf@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Settlement

Although I don't believe the justice department or any others should have filed suit against Microsoft, primarily because it seems to me to be an illegal lawsuit, I suggest you approve the Microsoft settlement and get on with life

Gene Cunningham, 15645 130th St, Wellsburg, Iowa 50680

MTC–00026708

From: jerome91@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:30am
Subject: microsoft settlement

I think the settlement is fair and just.

There is no need to destroy them any further.

yours truly

Jerome Seward

MTC–00026709

From: rshelton
To: Microsoft ATR
Date: 1/27/02 10:32am
Subject: Microsoft Settlement

Whom it may concern...

I support the antitrust settlement between Microsoft, the DoJ and nine states.

I believe this settlement to be in the best interest of our nation and struggling economy only because it is the ''best deal'' that can be struck. This ill-conceived action (the antitrust suit) was a major contributor to our present ''line'' of the stock market and our economy as a whole. I am appalled that various levels of government are engaged in such an apparent money-grab.

How could I hold such an opinion? By closely observing the progress and aftermath of the tobacco fiasco.

Signed,

Robert and Linda Shelton

(Non-smokers)

MTC–00026710

From: Don Maddux
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 10:32am
Subject: Microsoft

I think the government should get off Microsoft's back. This could have been one of the major contributors to the economy slow down. The only thing they are guilty of is running an outstanding company. They shouldn't be penalized for being good at what they do. The government should spend this time routing out waste in government spending, if it's looking for a real crime. Perhaps with a comprehensive look at the crime of government employee malingering, extravagant retirements, wages, benefits programs and job protections policies, you would better spend your time.

Don Maddux

Prudential Commercial Resources Realty, Inc.

Phone (816) 931–3101 Fax (816) 531–1760

mailto:dmaddux@crrkc.com

3101 Broadway, Suite 300

Kansas City, Missouri 64111

MTC–00026711

From: Ann Clodfelter
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: Microsoft settlement

Please note the attached letter in support of a settlement in the Microsoft suit.

Thank you.

Ann Clodfelter

Charlotte, NC

3166 Heathstead Place
Charlotte, NC 28210
January 23, 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 support the settlement that was reached in November. Too much Government intervention into business, big or small, hinders the free enterprise system, research, and innovation.

Microsoft has agreed to all terms of this settlement, including terms that extend beyond the original issues of this lawsuit and has agreed to disclose more information about certain internal interfaces and protocols implemented in Windows.

To continue dragging on the lawsuit is wasting resources, both private and public. I hope that you will support this settlement so Microsoft and American business can move forward. Thank you for your time.

Sincerely,

Ann Clodfelter

MTC–00026712

From: paul@ishtot.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:39am
Subject: Microsoft Settlement

Dear U.S. Department of Justice Representative:

I write this letter to encourage rapid closure on the Microsoft settlement. As a technology professional and businessman, I have chosen Microsoft products and services when they meet my requirements, and have chosen competitive products in many other cases.

Microsoft does dominate the industry, but that has made it easier for developers to focus on our projects at hand. One example is the ability to focus on a single browser under which our web applications can operate. The Windows operating systems and web server software like IIS have given us access to systems that are easy to use and understand so that we can finish our development projects on time.

I, for one, chose to do most of my development in Macromedia's Cold Fusion—a competitor to one of Microsoft's product. CF allows me to do the things I need to quickly. I am free to chose a Microsoft competitive product and that works for me.

It is time to move beyond this case. Microsoft will always face competitors and some of them will effectively compete to get their products and services to market. At the point that Microsoft uses it monopoly powers to stifle competition in the future, those companies are free to approach the U.S. government to have their case heard. It is time to close this book and allow Microsoft to continue its focus on bringing additional products and services to the marketplace.

Thank you for your time.

Sincerely,

Paul Carney

President

Ishtot, Inc.

paul@ishtot.com

703.869.1088

CC:paul@ishtot.com@inetgw

MTC–00026713

From: David E. Colbert
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: Microsoft Settlement

Enough is enough. Quit persecuting companies, specifically Microsoft, who make a superior product and DON'T GOUGE the public.

No one is stopping their competitors from producing a better product, but the government(s) sure as hell will stop Microsoft from making a better product by removing all incentive to improve. Wise up you bureaucratic bumbling idiots!

David E. Colbert

Sarasota, FL 34241

MTC–00026714

From: Will von Reis
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: MSFT is monopoly

As a software developer who uses Microsoft products, I am grateful that they often give away development resources in order to promote the use of their technology. For example, they announced that in the next quarter they will be giving away their .NET development environment for free (it is currently priced $600-$800). This is great, but it also tells me that Microsoft sees a threat to their business coming from this area of technology. As a developer I have witnessed them taking aggressive steps against many other technologies that they must have seen as threats to their core desktop business. It is difficult to evaluate the real threats posed because most of these other initiatives floundered soon after Microsoft introduced their own. Some examples off the top of my head.

MS Win CE -> 3COM Palm

MS Direct Draw -> OpenGL

MS Internet Explorer -> Mozilla/Netscape
MS OCX Web Objects -> Java Applets

From my perspective, MS clearly uses their dominance in one arena to squash innovation in others.

SOLUTION: prevent MS from selling to OEMs. Consumers must install windows themselves. IE you can't buy a machine with windows pre-installed.

This forces them to be vulnerable to the same market forces as everyone else-CONSUMER CHOICE!

Will von Reis
1737 West Arbor Dr.
San Diego, CA 92103

MTC–00026715

From: Paul (038) Elda Reichard
To: Microsoft ATR
Date: 1/27/02 10:48am
Subject: Microsoft Settlement

Please ratify the Microsoft agreement and end this costly and wasteful law suite. Let those who are jealous of the success of Microsoft, produce their own useful products rather than tear down the innovative products of their competitor.

Paul Reichard
Senior Citizen

MTC–00026716

From: Jean Hanamoto
To: Microsoft ATR
Date: 1/27/02 10:48am
Subject: Microsoft Settlement

Good morning;

I must comment on the blind and frustrating way that the court has handled the Microsoft settlement. Bill Gates'' megalomaniacal outlook on the computer world is frightening! Microsoft's need to overpower and ruin other businesses is a slap in the face to our system of justice, fairness, and competition. The most hideous part is that they're still being allowed to make exactly the same moves, and are still taking full advantage of their power over the internet to try to crush any and all that might challenge them. The arrogance and willfulness will not stop until the courts do something drastic.

Please don't let Microsoft bully their way into being the only choice we have.

Sincerely;
Jean Hanamoto
Jean's Artworks
16632 Lone Hill Dr.
Morgan Hill, CA 95037
(408) 776–8664
artworks@garlic.com

MTC–00026717

From: Andrew Zanevsky
To: Microsoft ATR
Date: 1/27/02 9:50am
Subject: Microsoft Settlement

Dear Sir or Madam:

In this e-mail I submit my opinion on the antitrust settlement between Microsoft, the Department of Justice and nine states.

I think that the terms of the settlement are fair to all parties and should be approved. I believe that further litigation against Microsoft would be detrimental to the health of the industry and the U.S. economy as a whole. It could only benefit some of the Microsoft competitors and not the consumers.

I am a professional computer database administrator, consultant, speaker, author, and business owner. My opinion is based on 15 years of industry experience, direct involvement in associations of computer professionals, my expertise in the field, and contacts with colleagues.

I clearly see that if Microsoft is prevented from adding new features to their products, the industry will stagnate. It will lead to increased costs of software for consumers, because we will be forced to buy and integrate numerous products in order to conduct our business. Introduction of new features in the operating system is a natural process of software systems evolution. I believe that any continuation of the legal process against Microsoft will only suffocate progress in computer systems, not invigorate it.

Technology in our industry changes so fast, that Microsoft's lead in operating systems does not guarantee it's dominant position in related markets. We have seen numerous software companies successfully grow from nimble startups to multi-billion dollars corporations. This happens when they have a truly innovative and useful products. But Microsoft often comes up with a better solution and then consumers make their choice. As an industry expert and as a consumer, I urge you to approve the proposed settlement terms and allow Microsoft to continue its research, development, and innovation.

Sincerely,
Andrew Zanevsky
President
AZ Databases, Inc.
zanevsky@azdatabases.com
tel. 847–919–7002

MTC–00026718

From: Tobin Fricke
To: Microsoft ATR
Date: 1/27/02 10:51am
Subject: Microsoft Settlement

Dear Sir,

I am writing to express my comments on the Proposed Final Judgment (PFJ) in the anti-trust case United States versus Microsoft under the provisions of the Tunney Act. I am a citizen of the United States, a resident of the State of California, and a student of Computer Science at the University of California.

I believe that the proposed final judgment is insufficient to end Microsoft's illegal monopoly. The PFJ would do little to improve the competition in the markets dominated by Microsoft.

One of the main provisions of the PFJ intended to facilitate competition in the markets currently controlled by Microsoft's monopoly is provision D in section III which requires that Microsoft disclose to all interested parties the programming interfaces (APIs) used by ''Microsoft Middleware'' to communicate with the ''Windows Operating System,'' and then only when new major versions of ''Microsoft Middleware'' are released.

I believe that this requirement must be strengthened. In its current form, provision III–D gives Microsoft an advantage over possible competitors, because Microsoft would only be required to release API information after Microsoft itself has released a product relying on these APIs. Thus, Microsoft will always have a ''head start'' over possible competitors.

Microsoft will necessarily have better knowledge of the APIs, and hence a significant advantage over any possible competitors in software development, so long as it is Microsoft itself who implements the APIs in the operating system product.

Moreover, the release of API specifications is limited to those used by ''Middleware.'' This is an unnecessary limitation; Microsoft should be required to release all API information used by any product, not just ''middleware.''

The only possible remedy to this situation that will result in fair competition of software that runs with Windows Operating System Products is complete separation between Operating System and Application Software divisions within Microsoft.

Clear demarkation between OS and application software is not just good for competition, but it is a fundamental engineering principle of computer science. Better specified interfaces will improve security and possibly reduce the thread of worms such as NIMDA, which have caused billions of dollars of damages to organizations dependent upon Microsoft software. Third party application software developers should communicate with the Microsoft Operating System (OS) division exactly in the same manner as the Microsoft Application Software division communicates with the Operating System division. For example, the OS division would publish API specifications, and only after this publication would the application developers (both Microsoft and third-party) be able to use this information. This will result in fair competition in the market of software running on the Windows platform.

This separation would result in a cleanly specified set of interfaces used by non-operating system software to communicate with the Windows Operating System. Not only would this result in fair competition amongst application software developers, but it would also make it possible for a third party to implement a product to compete with the Windows Operating System itself that would be able to run all of the software that can be run by the Windows Operating System itself.

The WINE project is one such effort of a third-party implementation of the Windows Operating System API. However, the WINE project's progress has been chronically plagued by the poor documentation and secret nature of some aspects of the Windows API. A fully documented Windows API would eliminate this hurdle, and allow projects such as WINE to compete with Microsoft's operating system products.

The logical means of implementing this separation is to split Microsoft into multiple entities: one corporation to produce the Windows Operating System, one corporation to produce other application software, and possibly other corporations to handle other Microsoft projects, such as Windows Media Player and Microsoft's media interests.

In the past, corporations have been broken up as a means towards eliminating monopolies. The breakup of AT&T into long-distance and research divisions and the regional bell operating companies, for example, benefited consumers in numerous ways, bringing competition, innovation, diversity, and prosperity to the telecommunications industry. The breakup of Microsoft would have similarly beneficial effects.

Tobin Fricke

25001 El Cortijo Lane; Mission Viejo, CA 92691–5236

MTC–00026719

From: shaner@intercom.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:55am
Subject: Microsoft Settlement

Please attached document detailing my position on the Microsoft settlement.

Thank-you,

pat

803 Knight Court

Salisbury, MD 21804

January 22, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this time and give you my thoughts on the Microsoft Anti Trust case.

I feel that this case has gone on far too long without making any real progress. Whether or not Microsoft was responsible for any wrongdoing, the proposed settlement will certainly restore fair competition to the computer industry.

I work daily with Microsoft products as a Computer Analyst. Their products and systems integration have my job a great deal easier. They've contributed so much to our economy and have changed the technology industry forever. The settlement calls for Microsoft to share a lot of their interface design and server protocol with their competitors. Additionally, OEM's will be allowed to pre-install competing products within Windows. If there are any problems, there is a Technical Oversight Committee to deal with any future violations or problems.

The proposed settlement is a fair solution to the problematic Anti-Trust case. Our country needs to concentrate their efforts on other issues and ending this lawsuit is certainly a good way to do that. Please accept the settlement and allow our country to flourish again.

Sincerely,

Patrick Shaner

MTC–00026720

From: Owen Cooper
To: Microsoft ATR
Date: 1/27/02 10:54am
Subject: Microsoft Settlement

Microsoft is the leader in supporting a defined interface as a way to allow different groups to work on different components without interfering with each other. Applying this to IE, it would be great if they unbundled IE and published their interface.

Microsoft is great but too monolithic. Having them publish their interfaces and/or source code would not break them up, but would increase competition. Seems a suitable response to the judgement against them.

Owen Cooper

MTC–00026721

From: doramill@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:01am
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,

DONAL MILLER

2762 TONY DRIVE

LAWERNCEVILLE, GA 30044–5775

MTC–00026722

From: Vern Alway
To: Microsoft ATR
Date: 1/27/02 11:03am
Subject: Microsoft Settlement

The United States DOJ is acting destructively toward an American corporation not on any principle, but because of the size and success of the victim. If Microsoft had done anything wrong, conventional laws of fraud would have been invoked.

It appears that we have a national policy of attacking the best in our system.

Vern Alway

Victoria, Texas

MTC–00026723

From: Nick Ferone
To: Microsoft ATR
Date: 1/27/02 11:07am
Subject: Microsoft Settlement

Dear DOJ,

Please accept this as a Public Comment by Dominic Ferone, of Columbia SC, regarding the Microsoft Settlement.

''The Microsoft Case has hurt investors to the tune of more than 50 million dollars, and even though I am not one of those unfortunate souls, I am a user of Microsoft products and have been since 1991. In my opinion, this case is about envy, and a competitors ''rights'' to smash his better with the use of a government club if he is unable to adequately compete in the free market. Settle this squabble and let Mr. Gates continue to own 100% of the company he and his partners created. Microsoft innovation in programming languages alone has allowed me to venture into a new career path, and has directly affected my own life positively. The competitors who filed this suit against Microsoft should know that if this case is not settled amicably, then I will NEVER use THEIR products in the future, and will not recommend them to clients of mine.''

MTC–00026724

From: Nathan Lineback
To: Microsoft ATR
Date: 1/27/02 11:10am
Subject: Microsoft Settlement

To whom it may concern:

I recently became aware that I have the opportunity to comment on the Microsoft settlement and I felt that I had to say something.

After reading the settlement it seems to boil down to ''Microsoft, behave yourself''. This is what they should have been forced to do from day one while the trial was going on. Much of this is what any sufficiently large well behaved company should do voluntarily.

As a consumer I have been personally harmed by Microsoft's actions, and I believe Microsoft needs to be punished for it's past actions. I also believe that this settlement will not prevent Microsoft from finding ways to continue to abuse their monopoly.

The part about not having to release documentation regarding security APIs and protocols is just plain dumb. If someone can crack the security just because it is documented, then the software is bad and needs to be fixed. Additionally the availability of information about security APIs and protocols are absolutely critical for inter operability with non-Microsoft products.

The settlement implies to me that Microsoft could license the API documentation however they want. It is imperative that such documentation be public domain, otherwise Microsoft could use their license to exclude certain types of developers.

As for how to properly punish them and make sure they never again do what they did, I am afraid I don't have the answers. I only know this settlement won't do the trick for the long run.

Thank you for your time.

Nathan Lineback

416 Walker St.

Villa Rica, GA 30180

MTC–00026725

From: Merlin Grue
To: Microsoft ATR
Date: 1/27/02 11:12am
Subject: Microsoft Settlement

My name is Merlin Grue and I reside in Oak Creek, Wisconsin. I am sending this message to express my concern about the efforts of some individuals, corporations, and government agencies to inhibit Microsoft's right to compete in the market place and provide quality products at a fair price to me, the consumer.

If I wished to purchase products from one of Microsoft's competitors, I am free to do so, without any intervention from local, state, or federal government.

The only ones who profit from litigation of this sort are the attorneys.

Merlin Grue

MTC–00026726

From: Anthony Mullen
To: Microsoft ATR
Date: 1/27/02 11:13am
Subject: (DOJ Microsoft)

Dear DOJ

I would like to say that the proposed settlement with the government and Microsoft will do little to stop this companies dominant position of the market and the industry.The measures need to be much more substantial to promote innovation and choice to the customers.We need greater competition which will lead to more and better products at more affordable costs.

MTC–00026727

From: epotter275@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:17am
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,
edwin potter
hc 4 box 184e
brightwood, VA 22715

MTC–00026728

From: Evolving old
To: Microsoft ATR,evolving@cox.net@inetgw
Date: 1/27/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern,

As a computer professional and an American citizen I believe the the antitrust action against Microsoft is unwarranted and unjust. For the record, I have chosen to use other operating systems (Linux, various flavors of Unix, Mac, and the OS400) instead of Microsoft's wherever possible. The consumers who have bought the Windows operating systems have done so of their own free will. To say that Microsoft has a monopoly is an opinion born out of ignorance and laziness.

I do not like their products but I think it is unfair that the government helps their competitors by bringing this suit. It is anti-democratic, anti-freedom, and born of and supported by jealousy of companies who cannot run a business as well as the management of Microsoft.

Please bring this episode to a close by terminating the antitrust action against Microsoft immediately. Please stop wasting the taxpayers money. Please stop enriching trial lawyers at the expense of productive individuals and organizations. Please stop granting government favors to jealous business competitors. Please stop government actions which hamper the creative endeavors and job creating abilities of businesses everywhere.

Sincerely,
Greg Puetz (native born U.S. Citizen)
Programmer/Analyst
25162 Southport Street
Laguna Hills, CA 92653–4923

MTC–00026729

From: Jack Sheehan
To: Microsoft ATR
Date: 1/27/02 11:22am
Subject: Microsoft Settlement

Attorney General Ashcroft:

Attached is a letter summarizing my opinions on the Microsoft Settlement. I believe that Microsoft provides products of superior quality at fair prices. I do not believe that their business tactics are greatly different from others in the business. With regard to monopoly, there is competition, and there are other choices.

I personally would like to see this matter resolved as expeditiously as possible.

Thank you,
Jack Sheehan
45 Lenor Drive
Harwinton, CT 06791
860–485–1260
JLSheehan@att.net
John J. Sheehan
45 Lenor Drive
Harwinton, CT 06791
January 27,2002
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 settlement that was reached in November between Microsoft and the government. I support this settlement and feel that it will serve in the best public interest. I believe this litigation battle is costly and a waste of resources. I urge you to support this settlement.

I also believe that Microsoft provides excellent products at acceptable prices. With regard to the monopoly argument, other products are available to those who wish to use them. Microsoft should not be penalized because their products are clearly superior to products offered by their competition.

The settlement was reached after extensive negotiations. Microsoft has agreed to all terms and conditions of this agreement, including: designing future versions of Windows to make it easier to install non-Microsoft software and licensing its Windows operating system products to the 20 largest computer makers on identical terms and conditions. A technical oversight committee has been created to monitor Microsoft compliance to this agreement.

During these difficult times, one of our highest priorities should be to boost our economy and aide our businesses. Microsoft should not be stifled or hindered; this will not benefit anyone. Thank you for your support.

Sincerely,
Jack Sheehan

MTC–00026730

From: lucy
To: Microsoft ATR
Date: 1/27/02 11:23am
Subject: Microsoft Settlement
Lucy McClusky
5 Brian Road
Edison, NJ 08817
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing to offer my support for the settlement that was reached in the anti- trust lawsuit between Microsoft and the Department of Justice last November. Microsoft has been wonderful in making the technology industry what it is today. Yet the industry is hurting as a result of this litigation, and I would like to see an end to it as soon as possible.

Other companies have had the ability to compete with Microsoft, and yet they simply have not been able to do so. Microsoft should not be punished for this, although the company made certain concessions that have allowed this case to be settled so that this whole matter can be put to rest. Microsoft will share information with its competitors on the Windows operating system, and allow computer makers to ship non-Microsoft products for use within Windows without any retaliation. The three person technical committee that will be established will ensure Microsoft's full compliance with these and all other terms of the settlement.

Thank for reaching this compromise with Microsoft. The economy will be revitalized once this case is over, and the technology industry can get back to the success it had before this lawsuit began over three years ago. I look forward to the finalization of this settlement.

Sincerely,
Lucy McClusky

MTC–00026731

From: Dan Harper
To: Microsoft ATR
Date: 1/27/02 11:24am
Subject: Microsoft Settlement

Whatever happened to crime and PUNISHMENT????

A criminal is suppose to be punished, not rewarded.... What next, free condoms to rapists, a free case of scotch and a tank of gas for anyone who kills someone DWI ??

The proposed settlement, is a payoff... Pure and simple... We all knew President Shrub was going to sell out the American citizens to play nice with his big business buddies who got him elected... But this is bad news for everyone but Microsoft.... And I thought they were the bad guys???

If indeed the Department of Justice has anything to do with justice... Then a solution that involves punishment for the monopolistic practices must be brought forward... Otherwise, we might as well

rename your little club to the Department of Just Us... (* The rich and shameless)

Sincerely,

Dan Harper

MTC–00026732

From: tata25@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:26am
Subject: Microsoft settlement

Please stop all action against Microsoft. This only hurts us all. The proposed settlement is more than enough punishment.

Manny Alegria4513 S. 14th Ave.
Tucson, Az. 85714
(520) 294–8995

MTC–00026733

From: Ben Schilke
To: Microsoft ATR
Date: 1/27/02 11:28am
Subject: Microsoft Settlement

I am writing to ask that you reject the settlement proposal between Micorsoft and Department of Justice that is before your court. Microsoft (''MS'') is a company that practices unfairly and illegally in the software and operating system markets.

Time and again MS has used it's monopoly power or any other advantage to wrongfully gain market share and greater control of these markets. Since being charged with anti-competitive behavior, MS has shown in its defense of these charges the complete disrespect for the idea of fair competition that matches their behavior. To claim responsibility for the innovation in software of the last decade or so is rediculous—those familiar with the software industry knows that MS is not an innovator, but rather borrows or steals so much of what has been considered innovative. The idea that there needs to be a consistent platform so that there is compatitibilty across computers is also bogus: look at how seemlessly MacOS and Windows files are now translated from one to the other. And consider it's proposal a few weeks ago that it donate supposed millions of dollars of software to under-privelege school systems. What kind of company has the arrogance to suggest that ''dumping'' a product into the one market they have not yet concord (the education market) is a fitting punishment!?!

MicroSoft must not be allowed to enter into this proposed settlement with the Department of Justice if current and potential competitors are to be allowed a chance to compete and provide consumers with real choices in the software market.

Ben Schilke

MTC–00026734

From: Tom Voorheis
To: Microsoft ATR
Date: 1/27/02 11:29am
Subject: Microsoft Settlement

I am sending this e-mail in regard to the proposed settlement in the US vs. Microsoft Antitrust case. The proposed settlement leaves to many open doors to Microsoft to simply work around them, and becomes simply a road bump in Microsoft's domination of the market, rather then its intended purpose to allow for competitors to do what competitors are actually meant to do. compete. I very much urge you to reconsider many of the definition of what Microsoft must do, particularly in regards to the distribution of information regarding all the of the APIs which power all Microsoft windows devices, that is all devices which are run by the Win32 APIs. I strongly urge you to reconsider this settlement, for i disagree with it strongly for it does not fulfill the purpose that it was meant for. my opinion is stated.

Tom Voorheis, Ann Arbor, MI

MTC–00026735

From: jricketts@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:26am
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,
Jane Ricketts
1907 Ferndale
Ames, IA 50010

MTC–00026736

From: Paul W. Kleinknecht
To: Microsoft ATR
Date: 1/27/02 11:30am
Subject: Microsoft Settlement

Dear Judge

I would like to express my concern about the proposed Microsoft settlement. I use many Microsoft products and have enjoyed using them.

I am concerned that if they have broken the law and are not punished, it could have a negative affect on future computer products. I think that Microsoft should be held accountable for their actions. Thank you for your consideration.

Paul Kleinknecht
Paul Kleinknecht
4500 Mid. Mt. Vernon Rd.
Evansville, IN 47712
812–421–0043 phone/fax
palklein@juno.com
CC:dkleinkn@yahoo.com@inetgw

MTC–00026737

From: Cbrad337@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:33am
Subject: Attorney General John Ashcroft Letter

Attached is the file that I have sent to Representative Ric Keller.

Sincerely,

Charles Bradley
1229 Foxden Road
Apopka, FL 32712
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am taking this time to write you regarding the Anti-Trust lawsuit that continues to plague the Microsoft Corporation because I feel your actions on this issue will make a dramatic impact on the American consumer. In spite of the broad range of restrictions imposed, Microsoft's competitors are actively trying to undermine the settlement during this review period. Therefore, it is even more urgent that the government hears directly from the consumers who will be directly impacted by this on-going lawsuit.

Microsoft has undergone three arduous years of scrutiny under the American government and I believe the settlement plan is fair and just. The fact that Microsoft has agreed to not retaliate against other computer competitors, allow competitors to develop software that matches their own, as well as disclose for use by its competitors various interfaces that are internal to Window's operating system products, tells the public and the government that Microsoft is dedicated to supporting a pro-competitive market.

Please take note of my opinions and consider the consumers first when making a decision that will continue to affect the American people. I thank you greatly for your time and consideration in this crucial matter that plagues the ethics of the American tradition.

Sincerely,
Charles Bradley
cc: Representative Ric Keller

MTC–00026738

From: Joseph A. Sandova
To: Microsoft ATR
Date: 1/27/02 11:32am
Subject: Microsoft

Consumer interests have been well served. It's time to end this costly litigation, NOW!

Thank You,
J. A. Sandova
3028 N. 3rd. Street
Whitehall, PA 18052

MTC–00026739

From: Mark Gisleson
To: Microsoft ATR
Date: 1/27/02 11:33am
Subject: Microsoft Settlement

After reading extensively on the proposed MS-DOJ settlement, I am flabbergasted by Microsoft's continued and aggressive disregard for laws they find to be ''inconvenient'' to the maintenance of their illegally obtained monopoly. The current proposed DOJ settlement prompts me to wonder if there is anything short of murder that will get a billionaire arrested?

This is not a settlement, it's a cave in to a thuggish company run by Enron-like monsters who refuse to understand that the law applies to them as well. I would rather see every purse snatcher and petty thief

released from jail than to see one more white collar criminal go free.

Microsoft is overwhelmingly guilty of grossly abusing the law and the markets. Failure to punish them will result in a grievous weakening of our national defense, but the DOJ seems to understand security flaws about as well as you seem to understand the laws regarding full disclosure, ethics, and the binding nature of regulations and laws.

Mark Gisleson
GISLESON WRITING SERVICES
P.O. Box 14264 St. Paul MN 55114
651 644–6408 phone
651 645–3530 fax
resume@gisleson.com
www.gisleson.com

MTC–00026740

From: snaper@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:35am
Subject: Microsoft settlement

I support the present settlement of the Microsoft case and think further litigation is inappropriate

Jerry

MTC–00026741

From: Walter Marlow
To: Microsoft ATR
Date: 1/27/02 12:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to note my full support for the proposed Microsoft Settlement currently undergoing public comment.

Innovation, improvement, and enhanced functionality are essential for all products offered to consumers, whether automobiles, electronics, software or other. Microsoft provides these in all of their software products and consumers benefit greatly as a result.

Microsoft (and consumers) must be able to move on and continue to improve and to benefit. Finalizing the proposed settlement is key to this, and one significant step towards improving the economy.

Allowing a small but extremely vocal group of failed competitors, Microsoft ''bashers'' and their political cronies to interfere with this settlement with yet more political and litigious obstructionism will only further stagnate the industry and economy, when we could instead be moving forward.

Rigorous competition is key to our economy and to consumers getting the most ''bang for the buck''. But when some competitors retreat to the courtroom rather than the drawing board in the face of rigorous competition, everyone loses. It's time to put the courtroom behind us and move forward, focusing on market competition and technical cooperation that will advance and improve the industry, the economy and consumers'' interests.

Respectfully,
Walter E. Marlow III
Electronics Engineer
16372 Passing Road
Milford, VA 22514

MTC–00026742

From: reneehudon
To: Microsoft ATR
Date: 1/27/02 11:35am
Subject: Microsoft Settlement

I urge the DoJ to accept the antitrust settlement currently pending. It has met the standards by the Court of Appeals and it is time to move forward. Microsoft is an integral part of our nation's economy and now more than ever we need to reinforce our economic strength. As one brave American recently said—''Let's roll''.

Thank you

MTC–00026743

From: Mindsender@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:36am
Subject: Microsoft Settlement

To Whom It May concern,

A Citizens Opinion:

Lighten up on Microsoft. They are to the future what Steel was to the Industrial Revolution. This is not an issue for a slighted individual judges anger, nor emotional ploys used by competitors to gain public sympathy (even if in some part meritorious) to let important little tug boats run the great liner onto the rocks.

Microsoft is led by people who have absolutely no need for Money. This fact should help in evaluating motive. I believe these people simply enjoy exercising their agile brains, and have basic decency, and hope for a better world. They are reasonable scientist/businessmen, and have no more interest in simply playing life away in the pastures of pleasure, than Einstein, Newton, or DaVinci. These maligned Microsoft executives are in fact society's, in the flesh, Santa Claus, and will be remembered thousands of years from now for bring us out of the dark ages.

Lets not mistake these great people of our era, for the Robber Barrons of yester-year. Help them help us all have a better, and better world. They have proven themselves a brilliant diamond passing light with all but a magical ability to heal in every walk of life. Look at the innovation, direct and indirect that we have seen in the last ten years. Get sick, go into a hospital, and just try to imagine how much of your stay is somehow touched by software. That's just one field. What about metalurgy? Factory automation? Engineering design. Government resourses. Military implimentation. Education. The stock market. Scientific research. And we're just at the beginning.

Miracle Microsoft.. because from small beginnings we have witnessed the human seed that will continue to Spawn a new world, long, long.. long, after we are all gone. So we'd better be right in how we cradle this gifted child, and design the structure in which we allow it to grow, healthly. History will look back and say these where the Geniuses that got it right, just as we look back on the lightbulb and the facilities brought to every site to be able to use them, and all things electric. By the simple logical growth set about by the good deeds of these great people, we may someday have ''The one BEST Physics teacher in the world.. in every highschool classroom, with teachers of today serving as tutors, while the fundamentals are established by world class expertise aided by personality, graphics, and professional production aids. Most of us had mediocre to TERRIBLE teachers in ALL the sciences in highschool, didn't we? This is wasting our mental resourses and creating pain and a sense of inferiority, in otherwise smart kids who don't realize what happend to them.

With innovators such as these, we may someday accomplish communication with the public to the point that State Governments, holy grail that they currently are, may come to look like expensive redundancy. We may see a world where false boundaries on a map do not provide motive to kill off people on the other side. With communication.. the world becomes more homoginized, less dangerous, and one people. That's what we really are, here on ''spaceship ea rth''. It's hard to imagine waring with Japan or Germany.. now. What has changed? We are now interdependent. How did that happen. How do we implement it? Could it even exist without...software? Could we keep track of it all?

Ask yourself what YOU are personally doing to accomplish these wonderful spin-Offs. If you're like me, the answer is.. well personally.. NOTHING. Please help educate those you influence to the beauty of the greater picture of our lifetimes. To the extent rules are needed for competitions health, make them with input from both sides, but don't introduce a welfare state for business, that gives a false handicap at the expense of our strongest warrior. This is not a game. Nicey-nice has no more place here than on a battlefield, and most of us have little if any hands on experience in the mud, like the guys who role up their sleeves at Microsoft every day to take on the hardest intellectual challenges we can't even imagine, for the fun of it. Strange people. Strange love. I'll take it.

Thanks for your time,
Paul Larisey

MTC–00026744

From: EOlson1931@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:38am
Subject: Microsoft Settlement

I am a Microsoft supporter.

What ever Microsoft has agreed to is OK with me.

I believe, Microsoft has been attacked by others who could not stand good stiff competition and were a lot of crybabies. They could have done the same thing to forward their businesses if they had the gumption.

Now please let Microsoft get on with their work.

Etta Dell Olson
Elmer A Olson

MTC–00026745

From: Rose
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

This Settlement is unjust because it still gives Microsoft The ultimate control over the market.It still allows Microsoft to sell its products at an outrageous amount, because it is needed to run any programs in today's market. For example Microsoft is selling a 4 year old operating System at $200.00, along with all the other programs at a ridiculous

amount. Any Programs out there say you need Windows to run it.

There are other Operating Systems that are Free but you can use a very limited amount of today's programs.. This settlement still allows Microsoft to be a monopoly. Which is against the Law.

Sincerly

Rosemary Formanek, Florida

MTC–00026746

From: jide@ekohotels.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

I work as a systems administrator in the hospitality industry in my country Nigeria. Microsoft products have become for us a great blessing due to the fact that it has provided an easy to learn, easy to support, and easy to use interface and technology.This has also led to gainfull employment for youths who otherwise would have wasting away under the heat of the African sun admist a constant reminder of porverty and underdevelopment.More importantly though is that microsft has brought joy to our homes and given a businesses a chance to compete and a sense belonging in a global village that is our world today.

The settlement is good and fair. Let the others who are against the settlement look for ways to be innovative in their product development instead of seeking to tear apart a good thing. Besides a good product always sells itself.

Thank you

CC:jide@ekohotels.com@inetgw

MTC–00026747

From: Jackie Allison
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

Re: ''Tunney Act'' It is time to end this costly & damaging ligitiation.

Consumer interests have been well served.

MTC–00026749

From: Tuggle
To: Microsoft ATR
Date: 1/27/02 11:42am
Subject: Micrsoft Settlement

It's time we all understand that there is a pervasive ''corporate culture'' regarding operating in ethical ways: ''Make me''. So, your honor, this is as good a place as any to start. Let the punishment, for bad faith and anti-competitive actions backed by corporate officers from the top-down, reflect the public interest more accurately than the settlement deemed acceptable by the President and the other states.

This management style has seriously damaged our country. It has and continues to demoralize and victimize honest workers all over the nation; farmers, factory workers, imported engineers, physicians, nursing home aides, etc . . . . . .

Help restore confidence in the American system of justice. Start with this decision. Carol Tuggle 117 Charter Oak Rd. Southbury, CT 06488

MTC–00026750

From: chris
To: Microsoft ATR
Date: 1/27/02 11:40am
Subject: FW: on the Microsoft case

Mr. Blumenthal, State Attorney General of CT suggested I forward this.

''Oakleaf, Christopher'' wrote:

Dear Mr. Blumenthal,

While I presume you have some technically astute people providing you information, I've not seen anything in the news that suggests any one is aware of the current intertwining of the MS Operating System and the IE browser. At this point in time, anyone updating the browser, say from 5 to 6, is also updating key operating system components. MS has also made it very difficult to back off an update. Today, if you upgrade from ME to XP, for instance, it is not possible to revert to the previous version. The upgrade is one way, which was not true when you went from 98 to ME.

Microsoft never has and never will have any interest in playing nice in the sand box. The comment that follows is a perfect example:

Microsoft spokesman Jim Desler said the company had not reviewed the Netscape lawsuit and could not comment on specific allegations but added:

''AOL purchased Netscape for $10 billion, now AOL wants to blame Microsoft for Netscape and AOL's own mismanagement.''

A viewing of ''Triumph of the Nerds'', broadcast on PBS from time to time, makes Bill Gates stance towards the rest of the industry, and by extension the rest of the country, quite clear: Microsoft plays to win and doesn't take prisoners.

I have been very gratified that your office has continued to pursue this issue, as there's nothing that Bill would like more than for the pressure to go away.

An anecdote: Some years ago, when GE was working out the MSNBC deal with Microsoft, Netscape was the browser of choice within the organization.

Bill Gates was clearly aware of this. The next release of office had not been made available to the company as a site license. Word was that the contract negotiations were stalled. There was no question in anyone's mind that

Bill wanted Netscape off the desktop at GE. While I have no direct evidence, I would not be particularly surprised if Jack Welch didn't tell Bill to take a hike, as the next release of office was available immediately after the closing of the MSNBC deal and Netscape was not removed from the desktop.

Regards,

Chris Oakleaf

An occasional correspondent

As a private contractor, the views expressed here are my own and do not represent those of any entity I may be working for. Dear Mr. Oakleaf:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case.

As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. I did not join that settlement because I do not believe it would accomplish the goals we set when we filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002, as follows:

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[NOTE: Given recent mail delivery interruptions in Washington, DC, and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax.]

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

Please keep me informed of your opinions on the case.

Thank you again for contacting me.

Sincerly,

Richard Blumenthal

Attorney General

MTC–00026751

From: Terry Frederick
To: Microsoft ATR
Date: 1/27/02 11:47am
Subject: Micrsoft Settlement
Terry M Frederick
President
Custom Business Solutions
10308 Metcalf, #151
Overland Park, KS 66212
913–384–3373
terryf@custom-solutions.com

I own a small computer consulting firm in Kansas, and most of my business is derived from developing software that runs on Microsoft operating systems. I have developed software for over 30 years, and from my experience, Microsoft's programming environment for third party development on their operating system is the most flexible and has the most features of any operating system ever built.

Microsoft is also one of the least expensive environments for developing third party software. The cost of development tools and libraries is well within the reach of any small business that desires to create new software that will run on Microsoft's operating systems. The main reason I chose to specialize in Microsoft development was due to the great depth of resources and capabilities that are available for software development at a reasonable price.

My business has suffered recently, but not from actions by Microsoft. I am constantly competing with an attitude from potential customers that believe that Microsoft is a bad or criminal company and that they should not develop software on Microsoft's operating system and support a bad company. My customers look at this case, and read the negative comments about Microsoft in the news, and often select non-Microsoft environments for their software development. This courts actions, and the

length of time that these proceedings are taking are creating fodder for damage to Microsoft's reputation. The Microsoft competitors that are supporting these court actions against Microsoft are generating propaganda that takes advantage of the fact that Microsoft is being tried for illegal activities.

I have spent years training to become proficient in Microsoft development, and I do not have the resources to train and support programmers in all of the other areas of software development.

The longer this case goes on, the more damage will be done to Microsoft's reputation, and to my businesses ability to get new work.

Please end this case. Microsoft's competitors created this case to use the resources of the Federal court system to damage Microsoft. In fact that is what is happening, and will continue to happen as long as this case continues. As you damage Microsoft, and Microsoft's reputation, you are damaging thousands of other companies that have built their business around Microsoft products. Please end this, now.

MTC–00026752

From: Rex A Kofford
To: Microsoft ATR
Date: 1/27/02 11:48am
Subject: Micrsoft Settlement

The settlement as it now stands is fair to all concerned. To pursue the matter further will hamper the introduction of new products and enrich attorneys.

Sincerly,
Rex & Alene Kofford

MTC–00026753

From: REddy97458@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:48am
Subject: Micrsoft Settlement

All AOL wants to do is to eliminate competition.

If Microsoft wants to give their products away, I say great for the consumer.

I love it.

I am and have been a customer of AOL now for about 5 years and I am considering dumping them because I believe they have a monopoly.

I believe they presently control the Internet and don't want any competition.

Every Microsoft product I purchased, I believe has been a great bargain.

AOL are big cry babies.

Bob Eddy
Grand Rapids, Michigan

MTC–00026754

From: tco2@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 11:52am
Subject: Micrsoft Settlement

The proposed settlement of the Microsoft case is a bad thing. I find it to be threatening in that it essentially hands the desktop computer industry over to Microsoft. I find it offensive that our U.S. legal system could contemplate it as a remidy for the injuries Microsoft has caused.

Regards,
Todd Olson

MTC–00026755

From: Alan Shackelford
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Micrsoft Settlement

I consider anything which threatens the open source and free software movements to be a threat against me. I have chosen (as a free, voting American) not to use Microsoft products. I don't believe in the philosophy they adopted, and will not support them by using their software, either operating system or application. Please be so careful while representing my interests in this settlement. Any action which might interfere with the open source and free software movements is in direct conflict with my interests, and those of millions of other users around the world.

Thank you for your time, and please resist the temptation to cave in and go with Microsoft.

Alan V. Shackelford
ShakNet Mail and News

MTC–00026756

From: wissfire@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:55am
Subject: microsoft settlement

Fed up with the weight lobbyists play in wrecking havoc in this country!

Stop this nonsense NOW before we put more people out of work leaving MORE families without income and children barefoot. There is more than enough of this going on in this USA already.

Stop spending THE PEOPLES MONEY ON THINGS THAT BENEFIT WASHINGTON BIG SHOTS RATHER THAN THE MASSES!

WISE UP!!!
WISSFIRE

MTC–00026757

From: Chuck (038) Jean Trom
To: Microsoft ATR
Date: 1/27/02 11:57am
Subject: Microsoft Stttlement.

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit against Microsoft is unconscionable. I cannot understand why the government would want to tear down American business. This suit attacks the very foundation of what we have built this nation upon: free enterprise. The perpetuation of this litigation cannot and will not aid this country in any way; indeed, it will only hinder the future of America. If we continue to attack the best and brightest of this nation, we will end up with nothing more than mediocrity.

The settlement that has been reached in this case must be accepted; it is fair, and those who think that it ''does not go far enough'' are clearly not searching for a solution to a problem, but rather their own gain. Under the terms of the settlement, Microsoft will design future versions of Windows to be even more compatible with the products of other companies. The company will also cease all retaliatory behavior against its competitors. The terms of the settlement will be ensured by a three person technical committee, which will monitor the future business tactics of the company.

This settlement must be accepted. We cannot allow political avarice destroy one of the finest companies ever produced by this nation. Thank you for your continued support of American business, and for hearing my opinion.

Sincerly,
Charles Trom
3033 Madeira Avenue
Costa Mesa, CA 92626
CC:fin@mobilizationoffice.com@inetgw

MTC–00026758

From: Dick (038) Shirley
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Current Proposed Settlement

It is time the Government got off the back of Microsoft and got beck to work on the current real problems. It appears that since Microsoft has not become the giveaway program such as ENRON that has participated in that the our Senators and Representatives are trying to punish Microsoft.

The actions in the past of breaking up Hughes Aircraft and Hughes Medical Research should have been taken as a lesson.

Because a person makes a Billion Bucks is no reason to try to put him or the Company out of business simply because he/they don't buy into enriching elected officials in Government.

Richard B. Lackie

MTC–00026759

From: Kate Thompson
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Micrsoft Settlement

Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Please do not accept the proposed settlement with Microsoft. It is not in the public interest. It leaves Microsoft's monopoly intact, is imprecise, unenforceable, and allows the company plenty of opportunities to exempt itself from important provisions.

The applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to ensure that consumers can run any of the 70,000 existing Windows applications on any other operating system.

The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to operate properly with Microsoft products. Consumers must have a la carte competition and choice so that they and not Microsoft choose the products on their computers.

The remedies proposed by the Plaintiff Litigating States are in the public interest and completely necessary, but they are not sufficient without the additional ones mentioned above.

The court is required to hold public proceedings, under the Tunney Act, giving citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors.

Sincerly yours,
Kate Thompson
PO Box 48
South Tamworth
NH 03883
603–323–7762

MTC–00026760

From: Brian Allemana
To: Microsoft ATR
Date: 1/27/02 11:59am
Subject: Micrsoft Settlement

As is the right of every U.S. citizen during the period of public commentary that is specified by the Tunney Act, I hereby submit my thoughts and opinions regarding the outcome of the anti-trust trial against Microsoft.

I am against the current settlement being offered between the U.S. Department of Justice and Microsoft Corporation. Based on professional study and experience, I believe Microsoft can and will find methods to circumvent this settlement for their own good without considering the impact on the general public. The settlement must be strengthened before I can accept it as a solution to Microsoft's illegal behavior.

The primordial soup of the personal computer industry began with technological hobbyists sharing each other's ideas for the purposes of enhancing that technology as well as purely satisfying their human curiosities. The Internet, once it became public, took off like no other technological development before it, and it is based upon open, non-proprietary technologies that are both robust and exist solely to serve the public good. Likewise, the PC revolution could not have taken off as it did without IBM opening its hardware specifications for the world to understand and enhance. Clearly, technology thrives in an open, competitive marketplace, not a marketplace dominated by a single company.

Microsoft has strived, more aggressively than anyone else, to stifle the competitive nature of the software technology world for their own benefit. Judge Penfield Jackson's Findings of Fact make this point perfectly clear. Companies such as Apple, Compaq, Netscape, Sun, even IBM and Intel, are all cited as having suffered business losses due to Microsoft's anti-competitive behavior. It is clear that Microsoft can no longer be trusted to run their business, particularly a monopoly business, in a responsible manner.

It would be irresponsible of us, as a democratic nation, to allow Microsoft to continue striving for complete market dominance without any substantial checks and balances in place. The current settlement being offered does not provide the fulcrum needed to support such balances. It barely takes a step in the right direction, and that step will prove meaningless once Microsoft begins taking advantage of the enormous loopholes within the settlement.

While the settlement, in spirit, attempts to remedy the complaints originally filed by the U.S. Department of Justice, it does not, on any realistic level, restrict Microsoft from continuing anti-competitive practices. For example, the settlement only specifies a few products that Microsoft must open to competition, and these are not their most important products nor the products most likely to be wielded in their continuation of market control (e.g., it specifies Outlook Express and Microsoft Java, but not Outlook or Microsoft C#). The settlement also fails to encourage competition in the operating system marketplace by not fully specifying that Microsoft must not artificially raise the barriers to entry to their operating system protocols, or requiring Microsoft to publish the specifications when the barriers are raised. This allows Microsoft to grossly inhibit developers of competitive operating systems and/or applications from having the same access to system protocols as Microsoft developed applications (one of the major points of contention within the original DoJ complaint).

Judge Jackson's Findings of Fact outline anti-competitive behavior that the proposed settlement barely begins to address. There is no requirement for Microsoft to open their file formats, minimal requirements to open their networking protocols, and licensing fees are not properly regulated. There is actually room within the settlement for Microsoft to hinder competition by giving unrealistic requirements to competing bodies that try to implement available Microsoft protocols (such as requiring a competitor to meet unspecified technical requirements seven months prior to a ''beta test version of [the] new Windows Operating System Product'' [section III H.], which, at Microsoft's discretion, may be too soon for a competing developer to implement these protocols).

Overall, it is clear that this settlement falls short of serving the public interest. There are too many loopholes and freedoms given to Microsoft, who, by the course of their own actions, and as determined by a federal court and upheld on appeal, has lost their right to these freedoms by violating federal law.

I hope you will take my thoughts and opinions, as well as the thousands of other concerned citizens who have voiced their points of view, into careful consideration prior to rendering a settlement decision.

Thank you for reading. This message will be duplicated via fax.

Sincerly,
Brian Allemana
Web Developer/Consultant
773.478.9211
allemana@forward.net
http://www.brianallemana.com

MTC–00026761

From: David Yoo
To: Microsoft ATR
Date: 1/27/02 12:00pm
Subject: Micrsoft Settlement

The proposed settlement is a uniformly bad idea.

MTC–00026762

From: George Toft
To: Microsoft ATR
Date: 1/27/02 12:00pm
Subject: Microsoft Settlement—Proposed Final Judgement

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). So as to not waste your time by reproducing the analysis here (see above web site), there are a substantial number of problems with the Proposed Final Judgement (PFJ) that render it ineffective, making the entire DOJ vs. Microsoft case a waste of taxpayer money.

Regardless of the errors discovered in the original trial, the Findings of Fact remain undisputed, and Microsoft must be punished, just like AT&T and IBM were for similar transgressions of law.

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.

TYhank you for considering my opinion.

Sincerly,
George Toft
3455 West Twain Court
Anthem AZ 85086

MTC–00026763

From: REddy97458@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:01pm
Subject: Micrsoft Settlement

My second email.

AOL is complaining about Microsoft giving their product away.

In reviewing the Sunday morning paper, I notice so many adds in which retailers are giving products away, such as:

1) Buy one, get one free.
2) Buy one, get two free

There are all kinds of ads like the above.

This includes companies as McDonald's, Meijer, D&W, HP and many other companies.

Are we about to eliminate competition?

I hope not.

Bob Eddy
Grand Rapids, Michigan

MTC–00026764

From: Laura Troth
To: Microsoft ATR
Date: 1/27/02 12:01pm
Subject: Microsoft Settlement

Hello,

I am just writing to add my voice to this injustice that is being done to Microsoft. I always thought that America stood for being a ''free'' country, where one could rise to the top if smart enough and good enough. Why then is this suddenly being punished. Microsoft employees very intelligent people to develop computer programs, etc. If the people that they employ are the smartest in the field and the products that they develop are way ahead of other companies, is that not

part of what it is to be American. It is not their fault that people prefer their products over Apple, etc. I know that I personally used a Mac computer before I ever touched anything with Microsoft in it. I was amazed at the difference. I actually liked to use the computer with the Microsoft products in it. Speaking of monopolies, how is it that Microsoft's offer to provide much needed computers in school was argued against by Mac—who by the way has the monopoly on computers in schools. How is this fair and just to Microsoft. This is ridiculous. I guess what makes me even madder is the fact that Clinton spent more money chasing down Microsoft for some made up propoganda than he did to chase down an known terrorist and murder—yes, we know who that is... Bin Laden. Has it occurred to anyone that if they had not been persecuting Microsoft, there might not have been a Sept. 11??

Also, it is my believe that competition in business is good. It is what drives companies to do better for customers, to develop better products, better service, etc. If you take away this right, you will find people not satisfied with what is left and they will stop buying. How will this help our economy. The bottom like is not that Microsoft had a monopoly, but that they had a better product. This whole thing needs to end now.

Sincerely,
Laura Troth

MTC–00026765

From: Paavo Parkkinen
To: Microsoft ATR
Date: 1/27/02 12:10pm
Subject: The Microsoft settlement

I don't know if non-US citizens are allowed to comment, but I'll do it anyway since I feel that the decision affects me also.

I have never felt the Microsoft monopoly in my life. I learnt to use a computer on a MSDOS. At the time, though, there were other DOS's and I never felt that MSDOS—even though it was the most popular—had a monopoly in the market. At the time Windows 3.1 came out I was already starting to learn other operating systems. And while ''the Microsoft empire'' grew, I started to grow away from it. Nowadays I use a Microsoft OS only very rarely. I don't have one installed on my home computer and at my school we have ample opportunity to use other operating systems. Needless to say, I have never felt boxed in by Microsoft or their products.

But now, with the Internet, I may very well one day find myself being boxed out. I do have internet connection at home, and use one at school. I use it for school work and for recreation. Especially for my school assignments, the Internet is invaluable. Recently I have been hearing about Microsofts attempts at changing their Internet protocols to be closed to users of other operating systems. I fear that this will close me (and countless others) from a large portion of the Internet. So I wish the settlement between Microsoft and the DoJ to force Microsoft to open their network protocols so the Internet can remain the open and free network of information I have grown accustomed to it being.

paavo.

The human mind ordinarily operates at only ten percent of its capacity—the rest is overhead for the operating system.

CC:dennispowell@earthlink.net@inetgw

MTC–00026766

From: Julio Marquez
To: Microsoft ATR
Date: 1/27/02 12:11pm
Subject: Microsoft Settlement.

As a satisifed consumer of Microsoft products and as a proponent of economic freedom, I have supported Microsoft's legal position in full from the beginning. Please take this into account when determining the DOJ's position in this matter.

Thank you.
Julio Marquez
Managing Director
GEM North America, Inc.
712 Fifth Avenue, 7th Floor
New York, NY 10019
212 582 3400 general
212 582 1517 direct
212 265 4035 fax
CC:activism@moraldefense.com@inetgw

MTC–00026767

From: kin-yip Mok
To: Microsoft ATR
Date: 1/27/02 12:17pm
Subject: Microsoft Settlement.

According to the Information on the United States v. Microsoft Settlement, I think that it really take action to control the threat of Microsoft monopoly power. Since Windows 95 came into the computer OS market, all the people change to their traditional OS interface to GUI. Because of this OS popular, Microsoft tries to extend their empire of Software.

Remember few years ago, the competition between Netscape and Internet Explorer, which Netscape was very popular. Internet Explorer was just very weak online browser. And also, IE was only covered 20% on the market. Nowadays, its already covered over 80%.

One thing, I think Microsoft is very bad OS. They always got the security problem. Many hackers can easy to hack in your computer which is windows OS system. Because of this, the windows OS is prohibited in the department of China. On the other hands I really dont like Microsoft which is they always buy some very powerful software, and then merge into their software system. After that, they dont give any support for some old customer which is very embarrassing. And then many Microsofts software is extremely expensive. Nobody can like it, especially for student.

We want to use more good and powerful software, and we dont want to use only Microsofts software. We have to take very strong action to control the threat of empire of Microsoft.

MTC–00026768

From: lenwal@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:21pm
Subject: Microsoft settlement

1/17

It is my strong recommendation that this case be disposed of based on the current recommended settlement. We don't need to keep funding lawyers at the expense of the public.

Leonard Walstad
lenwal@juno.com

MTC–00026769

From: Frederick E. Von Burg
To: Microsoft ATR
Date: 1/27/02 12:21pm
Subject: settlement

Ladies or Gentlemen:

Please be aware that as a senior citizen I am all for the economy-enhancing settlement of the suit against microsoft. Please use my views in any way to urge the holdouts to get on the bandwagon.

Sincerely yours,
Fred Von Burg,
8 Warren Drive
Syosset, NY 11791–6328

MTC–00026770

From: lt
To: Microsoft ATR
Date: 1/27/02 12:23pm
Subject: Microsoft Settlement

I urge you to get this case settled now! I am a senior citizen who uses Microsoft products and services a great deal of the time and have paid close attention to this controversy. The only ones opposing Microsoft are self interested parties who want to illegitamely wish to profit from this. It's about time to play fair and stop the piling on that has been going on far too long.

Thanks,
Louis Torraca
Kailua, Hawaii

MTC–00026771

From: CDoennecke@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:24pm
Subject: Microsoft Settlement

I urge you to end this matter—it has drug on way too long. The public always loses in these cases. Please don't become a platform where big crybaby companies attack one another. Microsoft is far from perfect and perhaps needed to have their knuckles rapped a little, but they are far better than their current attackers.

MTC–00026772

From: Jonathan Lemon
To: Microsoft ATR
Date: 1/27/02 12:22pm
Subject: Micrsoft Settlement

Under the Tunney act, I would like to voice my displeasure with the proposed Microsoft settlement. I strongly believe that the proposed remedies do not adequately address the issues, and are not in the best interests of the public.

As a particular example, there is nothing in the judgement that would require Microsoft to document network protocol of WMT streaming media; without this, there is no chance for any competing company to write an application that could work on an alternative platform.

I would also like to add my support to the comments made by Dan Kegel at http://www.kegel.com/remedy/letter.html .

Sincerly,
Jonathan Lemon
Software Engineer, cisco Systems

Stoughton, WI

MTC–00026773

From: Larry Crocker
To: Microsoft ATR
Date: 1/27/02 12:28pm
Subject: Micrsoft Settlement

As a consumer I feel that the proposed Microsoft settlement is more than fair, more so for consumers than Microsoft. I just hope that this settlement does not eventually cost us, the consumer, more money!

Larry Crocker

MTC–00026774

From: DCJessen@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:28pm
Subject: Microsoft settlement

I am a microsoft software consumer. I have never been hurt by their policies. To the contrary, If you want your software to seemless work, then buy microsoft. If you are inclined to want your system to crash, spend hours trying to fix it, and constrantly try to get your software to work, then by all means by their competitors bloatware. I believe the Dept of Justice is way out of line here, resorting to blackmail to assist Microsofts competitors, as they is the only way they are real competition. Why don't you ask those lousy policitical attourney generals whos software they use?

If I was Bill Gates, I would make them return all of mine, and not allow them to use it, then they would get a taste of their competitors junk.

Making software interoperable has been Microsofts strong suit. If their competitors were smart they would have done the same, but elected to try and screw the consumer, albet Lotus 123, Work perfect.. Just standalone junk software. Give it to the State Attourney Generals. Personally I would add a donation to Microsoft if they would develop a fund to defeat all these people in the next elections.

David Jessen

MTC–00026775

From: Herbert W Schriever
To: Microsoft ATR
Date: 1/27/02 12:29pm
Subject: Microsoft settlement—Approve

MTC–00026776

From: jtjlucky@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:32pm
Subject: Micrsoft Settlement

Enough is enough. This is supposed to be a free enterprise system. If this keeps up, the incentive to create on the part of our society in general will be, if not already, seriously deterred. The question now is, who is the Federal Justice Department working for, the public or the plaintiff?

J. T. Jordan

MTC–00026777

From: Joe McCutchen
To: Microsoft ATR
Date: 1/27/02 12:35pm
Subject: Microsoft

It is a tragedy and a travesty that the U.S. Government has attacked a company because it has been ''too'' successful. This is yet another example of government engaging in unconstitutional activities and another reason to distrust much of what it does.

The only true monopoly is one with the might of government behind it forcing consumers to deal with it, that does not describe Microsoft. Let the market decide and stop punishing achievement!!

Joe & Barbara McCutchen
2916 Heather Oaks
Fort Smith, AR 72908

MTC–00026778

From: Rocky
To: Microsoft ATR
Date: 1/27/02 12:34pm
Subject: micorsoft
11473 Verna Lane
Woodruff, WI 54568
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a retired member of the tech industry who is fed up with the Microsoft antitrust case. The federal government needs to leave Bill Gates and his company alone. Government intervention in this matter is no longer necessary.

With regard to the settlement, Bill Gates has conceded more than he had to. One example is the three person technical committee that will consist of three software engineering experts. Now, at any time, a third entity can dispute any portion of the settlement if it feels like Microsoft is not cooperating.

Bill Gates was being more than fair with this settlement. Now, it is the government's job to stay out of it. The country needs, now more than ever, to produce new and different types of technology, for the sake of our falling economy.

Sincerly,
Rocco Caffarella
cc: Representative Mark Green

MTC–00026779

From: Krish Krothapalli
To: Microsoft ATR
Date: 1/27/02 12:38pm
Subject: Micrsoft Settlement

Dear Sir or Madam,

The proposed settlement is BAD.

It fails to mandate anything to curb Microsoft's anti-competitive practices. This monopoly has allowed the actual cost of using Microsoft products to have an estimated ten-fold (or higher) increase over projected costs a decade ago, for certain customers. Without alternatives, customers'' hands are tied. Microsoft has leveraged a position that is favorable only to itself, and not to it's customers. Please do not allow this to continue.

Thank you,
Krish Krothapalli, Ph.D.
Redondo Beach, CA

MTC–00026780

From: Rocky
To: Microsoft ATR
Date: 1/27/02 12:37pm
Subject: USAGCaffarella—Rocco—1002—0125

11473 Verna Lane
Woodruff, WI 54568
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a retired member of the tech industry who is fed up with the Microsoft antitrust case. The federal government needs to leave Bill Gates and his company alone. Government intervention in this matter is no longer necessary.

With regard to the settlement, Bill Gates has conceded more than he had to. One example is the three person technical committee that will consist of three software engineering experts. Now, at any time, a third entity can dispute any portion of the settlement if it feels like Microsoft is not cooperating.

Bill Gates was being more than fair with this settlement. Now, it is the government's job to stay out of it.

The country needs, now more than ever, to produce new and different types of technology, for the sake of our falling economy.

Sincerly,
Rocco Caffarella
cc: Representative Mark Green
CC:fin@mobilizationoffice.com@inetgw

MTC–00026781

From: Aleatha Carlson
To: Microsoft ATR
Date: 1/27/02 12:39pm
Subject: Micrsoft Settlement

The Microsoft proposed settlement is fair for Senior citizens in fact, all citizens.. A counter one is not fair to Seniors. I think this has drug out too long. Why drag it out any longer, especially when the proposed settlement is good.

I have felt all along that the bickering by some is nothing more than jealous on how Microsoft has been so successful. I use Microsoft and appreciate all they have done to help us Seniors to use the computer.

Aleatha Carlson
116 Hahn Rd.
Westminster, MD 21157–4611

MTC–00026782

From: MYTLIU@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:39pm
Subject: Microsoft case

Dear Justice Department,

I think that Microsoft should not be able to settle and should not be able to accept money. I think that settling the case and just forgetting about it with the other states is a little like bribery. I am glad that some states did not accept Microsoft's settlement plan because then Microsoft would have gotten away with monopoly. Microsoft already has tons of money so money would not be a big problem.

I was reading the latest cases and noticed that Microsoft was trying to request for a 4-month extension on time to challenge the dissenting states about remedy proposals. This obviously will give Microsoft the advantage they need to win the case.

Microsoft's bundling needs to stop because when people buy their software, they automatically get Internet Explorer. They don't have a choice but to use Internet Explorer. Even though Microsoft's bundling effort is very unique and smart, it is causing other Internet companies to lose money. Soon, Microsoft will own most of the Internet companies if this keeps on going. It will just be like John D. Rockefeller's monopoly ideas. He owned oil companies and controlled a lot of the oil refineries. Then, in 1879, he owned over 90% of all oil refineries. Slowly, he took over almost the whole process of oil companies. John D. Rockefeller once said, ''It is too late to argue about advantages of industrial combinations. They are a necessity of Americans to have the privilege of extending their business in all the starts of the Union, and into foreign countries as well.'' This shows that even back then, people thought that monopoly was a necessity in business life. I don't think that Americans really need them.

The recent saying about how Microsoft should stop their bundling, is too soft. It won't really do anything because Microsoft already has so much software out there that they could stop their bundling, but there would already be a lot of Microsoft software out their with the Internet service.

These are just some of my ideas. Thanks for reading it. :)

From,

Michelle Liu—Harker School

8th grade-Mr. Merrill's History 2nd period class

MTC–00026783

From: tom wible
To: Microsoft ATR
Date: 1/27/02 12:41pm
Subject: Microsoft Settlement

An o/s is to applications as the legal system is to individuals & businesses: both provide the rules and infrastructure that we live under. for 1 company to own both the o/s & apps, where the api is analogous to the rules of evidence, is equivalent to enron owning the court system, with the laws & procedures secret...this is totally unsatisfactory, both as a legal system and as a computing platform. the only meaningful solution is splitting microsoft into an o/s company & an applications company, and requiring the o/s api to be made public.

Tom Wible
203 Cardinal Glen Cir
Sterling, Va 20164

MTC–00026784

From: Wylie Harris
To: Microsoft ATR
Date: 1/27/02 12:43pm
Subject: Microsoft Settlement

To whom it may concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

The proposed settlement fails to serve the public interest by leaving the Microsoft monopoly on operating systems essentially intact. This failure further erodes consumer protection by preserving the platform by which Microsoft can unfairly and illegally arrogate to itself an increased market share of other domains, such as internet and office applications.

In its current state, the proposed settlement is unacceptable. A revised settlement should be drafted which curtails Microsoft's monopolistic practices.

Thank you for your attention.

Wylie Harris
2126 TAMU
Rangeland Ecology and Management,
Texas A&M University
College Station, Texas 77843–2126
979 845 1388

MTC–00026785

From: Rolf Brakvatne
To: Microsoft ATR
Date: 1/27/02 12:44pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe that the only reasonable solution in the Microsoft civil suit is to determine total monetary damages (determined by the court), who can draw on the funds and how much, and a length of time these moneys will be distributed. The money damages should be placed in a private fund and administered by an oversight board selected by the courts with one person selected by Microsoft.

Entities drawing on this fund can use the funds for computer related purchases only (as determined by the oversight board) and are allowed the choose ANY vendor, Microsoft and and non-Microsoft products.

Thank you

Rolf Brakvatne

MTC–00026786

From: Wynn Wacker
To: Microsoft ATR
Date: 1/27/02 12:47pm
Subject: Comments regarding the Microsoft settlement

Sunday, Jan. 27th, 2002

This morning at about 8:30 AM, my phone rang with recorded message from Americans for Technology Leadership, an organization which is quite evidently a front for the interests of Microsoft in the anti-trust litigation which it is currently engaged in. The requested my comments regarding the settlement and I have decided to response.

I have watched the developments in Microsoft ever since the introduction of the first PC. The company has a long history of foisting its application software on the public by leveraging its near-monopoly in operating systems (MS-DOS, Windows) through the use of unethical and illegal trade practices.

This has been thoroughly documented by Federal prosecutors. I can say from personal experience that early Microsoft applications software was generally clearly inferior to that of its competitors when it was introduced, and it is unlikely that it would have penetrated the market to the extent it has in the absence of the aforementioned trade practices. I personally resisted using MS application software for as long as I could. I was forced to switch when so many people in the business I worked were familiar only with MS applications because they were the default on shipped computers (due to monopoly practices) that I would have to go along. Some of my coworkers held out on certain packages, such as spreadsheets, until this year. The only individuals I have ever encountered which prefer Microsoft applications are those who have never extensively used the competitions software.

I'm a scientist in the R&D department of a medical equipment firm, so I make extensive use of the Excel & Word software packages as part of Microsoft Office. It is virtually a daily event that people come to me asking how to perform simple operations in this software. These are people with advanced degrees in engineering and science, highly computer literate, and with experience with MS software. They are unable to locate the instructions they need in the notoriously unhelpful Help instructions included with the software, something which has been one of its long-standing features. It's also virtually a daily event that some of the applications software will crash in the middle of use, accompanied by an informative message such as ''This program has performed an illegal operation and will be shut down''. It is more in the purview of the IT department than mine, but I should also like to remind the Court of the incredibly poor track record of MS software when it comet to security. Even their security patches sometimes need security patches!

The greatest joke of all is that Microsoft is trying to defend itself as a technology leader. It has almost always been a follower, coming out with mediocre me-too products and using its monopoly power to crush the real innovators. The latest round of litigation was set-off by just such an event. Netscape pioneered the development of easy-to-use internet browsers and Microsoft came back to crush them by giving away its browser through the ruse of incorporating it in its monopoly operating system. I know just how un-innovative Microsoft is, because, over the years, many of the software engineers I have worked with have gone to lengths to escape the Windows OS by going to Unix, Linux, etc. They can only due this for their personal computers since the business world is trapped in the Microsoft monopoly. As were many others, I was heartened when it looked like it was possible that the courts might due the right thing and split apart the OS and applications portions of Microsoft. The company, of course, complained that there was no way to restore the competitive environment to the state it was in when it engaged in its illegal activities. Of course, under such a doctrine no murderer should ever be punished because it is impossible to restore the victim to life. Evidently political influence of the variety evident in the recent Enron debacle has prevented this wisest of settlements. Microsoft now wishes to foist a settlement on those litigating on behalf of Microsoft's many victims. I wish to remind the Court that a free market can only exist if the rules of honest competition are enforced. Microsoft has repeatedly disregarded its agreements to abide by fair practices.

I ask the Court not to interfere with the further pursuit of restitution from Microsoft by litigants in this case and wish the Court to take cognizance of the arrogant attempt by Americans for Technology Leadership to artificially generate support for Microsoft.

Wynn Wacker
2109 McKenna Blvd.

Madison, WI 53711
(608) 274–1829
wkw@mailbag.com

MTC–00026788

From: John & BJ Cochran
To: Microsoft ATR
Date: 1/27/02 12:49pm
Subject: Microsoft Settlement
114 Luckie Street
Cartersville, GA 30120
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is a crying shame that the lawsuit against Microsoft and the ensuing three years of litigation have occurred in our country. Microsoft was more innovative than any of their competitors and therefore became successful. Microsoft really served our country beautifully by standardizing the IT sector, creating jobs, generating wealth, and making technological breakthroughs.

This success does not warrant government interference, and if I did not know any better, I would say it was this lawsuit that contributed to our economy's downfall. The terms of the settlement only reflect the intense lobbying efforts of the competition and the lack of concern from lawmakers and politicians. Microsoft has to disclose interfaces that are internal to Windows operating system products and grant computer makers broad new fights to configure Windows so that non-Microsoft software programs can more easily promoted. These concessions and more are all aimed at helping the competition gain an edge they did not have beforehand. None of the concessions really protect consumer fights.

But, I do request that you implement the settlement because further litigation would only benefit the lawyers'' pockets and would do harm to our nation's public. Please take the fight steps. Thank you for your time.

Sincerely,
John Cochran
cc: Representative Bob Bart

MTC–00026789

From: Herbert S. Zischkau
To: Microsoft ATR
Date: 1/27/02 12:52pm
Subject: Microsoft
Gentlemen:

It is time to get off the back of Microsoft and let the economy readjust itself. There is too much government interference.

Sincerely,
Herbert S. Zischkau, Jr.
Winter Springs, FL

MTC–00026790

From: Paul W. Kleinknecht
To: Microsoft ATR
Date: 1/27/02 12:55pm
Subject: Microsoft Settlement
Dear Judge,

I do not believe the PFJ is the best solution for the case against Microsoft. I do not understand all the ''ins and out'' of the case, but I do know that Microsoft has a monopoly on operating systems on computers that needs to be dealt with. As the break up of ATT has given us better systems and more competition, Microsoft also needs to be ''broken up'' to bring in more competition and thus better products. The PFJ will allow Microsoft to continue as is—this is not right!

Please do what is right for the American people and American businesses!

Respectfully,
Sarah (nickname Sally) Kleinknecht
Sarah (Sally) Kleinknecht
4500 Mid. Mt. Vernon Rd.
Evansville, IN 47712
812–421–0043 phone/fax
palklein@juno.com
CC:dkleinkn@yahoo.com@inetgw

MTC–00026791

From: Evan D Ravitz
To: Microsoft ATR
Date: 1/27/02 12:57pm
Subject: Microsoft Settlement
Evan Ravitz
1130 11th St. #3
Boulder CO 80302
(303) 440–6838
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse et al,

The proposed settlement with Microsoft leaves MS in the position of controlling the inner workings of most of our computers, which position the judges have found MS abused to the detriment of the people.

I believe the best solution is to ''nationalize'' their windows operating systems so that a single standard can be agreed among competitors, instead of MS continually manipulating things to keep others'' software hobbled or buggy.

The precedent is the US establishing a single standard for telephony decades ago so we can all call each other on the phone. And the parallel catastrophe is the Babylon of cell phone standards which have made cell phones far more prevalent overseas where standards exist. Personally, MS was a catastrophe for me because in 1998 their Outlook program lost my entire address book—hundreds of email addresses—as well as thousands of emails. It took years to recover.

As a programmer since 1968, I assure you there is no reason for buggy software which wastes so many people-years of time, except that MS has eliminated the competition and dominates with their inferior, rushed-to-distribution, insecure stuff.

Sincerely,
Evan Ravitz

MTC–00026792

From: Mario M. Butter
To: Microsoft ATR
Date: 1/27/02 1:00pm
Subject: Microsoft Settlement

I am opposed to the provisions of the Justice Department settlement with Microsoft due to my understanding that under the proposed final order, Microsoft can withhold technical information from third parties. This release of technical information is required for the development of third party software (escpecially public domain software) that will interact with Microsoft products. The withholding of this information will serve only to stifle the development and implementation of free and commercial software over which Microsoft has no control.

Under this agreement, Microsoft has a number of strategies to undermine development of software by other entities, which requires a sharing of information. These actions can allow Microsoft to continue it's monopoly power and to expand that power further into the marketplace. These practices will harm development of alternative software, stifle the development of alternative platforms and lead to more consumer harm as Microsoft continues to increase it's fees for it's monopoly products.

Mario
Mario M. Butter
mbutter@silent-tower.org
mmbutter@mad.scientist.com

MTC–00026793

From: Michael J. Durkin
To: Microsoft ATR
Date: 1/27/02 1:01pm
Subject: Microsoft Settlement
Judge Kollar-Kotally:

Please do not allow Microsoft the easy way out. The proposed final judgement should ''terminate'' microsofts illegal monopoly, not allow them to thumb their noses at the law because. It should also penalize them the amount of any profits made because of their past behavior. Finally, it should prevent future anticompetitive practices.

This judgement as it stands will not definitively accomplish the above goals.

Michael J. Durkin
509 East Colliery Avenue
Tower City, Pa. 17980
Phone: 717–647–2502

MTC–00026794

From: Robert Gardner
To: Microsoft Settlement
Date: 1/27/02 1:07pm
Subject: Microsoft Settlement
Robert Gardner
3 Splitrock Road
The Woodlands, TX 77381
January 27, 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.

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 A. Gardner

MTC–00026795

From: Joel D Talcott
To: Microsoft ATR
Date: 1/27/02 1:12pm
Subject: Every time the government gets involved the consumer pays dearly.

Every time the government gets involved the consumer pays dearly. Case in point Gas deregulation. It has cost more poor people tom be without heat ,and the cost of gas twice as much as prior.

Let the companies fight it our! if they cannot compete get out of the business or do more to get up to speed.

KEEP THE GOVERNMENT OUT OF IT.

MTC–00026798

From: Bob Buscaglia
To: Microsoft ATR
Date: 1/27/02 1:18pm
Subject: Microsoft Settlement

I think any settlement that requires Microsoft to have to pay anything is totally ridiculous and I cannot believe you are wasting your time with this. This suit was initiated by Microsoft's competitors— some of the largest and most successful technology companies in this country.

Recently in Omaha, Barnes & Noble moved into a mall. part of their stipulations was the mall had to close down all other booksellers. You mean to tell me that is legal and what Microsoft does is not?

So they bundle other products with Windows? Anyone is free to swap out any software for other products. We don't tell carmakers what type of parts to put into cars, why should we do the same with PC makers? And it is much easier to change an Internet browser than an automobile engine.

Robert Buscaglia
Omaha, NE

MTC–00026799

From: andreww@aaip.net@inetgw
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

I would like to say that the current proposed settlement is no good as written. It will not stop the anti-competative tactics of this company, and does nothing about all the harm allready done.

Andrew James Alan Welty

MTC–00026800

From: Hana
To: Microsoft ATR
Date: 1/27/02 1:20pm
Subject: Microsoft Settlement

I think this settlement is bad. It is just a slap on the wrist for Microsofts obvious attempt to use its monopoly to prevent fair business practices. Please do not allow this settlement to go forth.

Yozo Horiuchi
Bayside, New York

MTC–00026801

From: Grant Miller
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement will be ineffective in preventing future abuse of their monopoly.

MTC–00026802

From: Howard Classen
To: Microsoft ATR
Date: 1/27/02 1:22pm
Subject: Microsoft Settlement

As an end-user of Microsoft products, I disagree with the proposed settlement between the Justice Department and Microsoft. There should be NO company in the United States which, through various means, has been enabled to monopolize a critical market. There really is no meaningful competition remaining in PC operating systems, office integrated software or internet browsers.

Any settlement needs to promote the ability of others to compete in these critical software applications and assure proper monitoring with timelines to accomplish remedies. This might mean opening codes, spin off of segments of Microsoft, large financial penalties for non-compliance, etc.

The proposed settlement is too little too late. Users will not have choice and competition will not be created to produce the needed innovations important for businesses and individuals.

Howard Classen
1075 Elkhorn Road
Royal Oaks, CA 95076–9200
831.728.4248
classen2@pacbell.net

MTC–00026803

From: N. W. Davis
To: Microsoft ATR
Date: 1/27/02 1:22pm
Subject: Microsoft settlement

Please bring an end to this litigation for economy's sake.

nwdavis2@juno.com
N. W. Davis
1102 Mayberry Drive
Tahlequah OK 74464

MTC–00026804

From: Geri Zahner
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

As a normal consumer who has no choice but to use Microsoft's operating systems as a result of the de facto monopoly held by Microsoft, I strongly urge that Microsoft be prohibited from requiring the use of its Internet Explorer browser as a required part of its operating system. This requirement has the very transparent goal of driving all other browser developers out of business and making the access to programs by users of non-Windows platforms impossible. (Microsoft realizes that both Windows based and non-Windows based programs can be operated on multiple platforms through the use of Java—If Microsoft succeeds in monopolizing the browser market, it will be in a position to effectively kill the use of Java as a means of developing software that functions on any but the Windows platform.) Microsoft itself recognizes that the browser capabilities and the operating system are totally distinct: they have always marketed and continue to market and supply their browser as a completely separate software to be used either on its own Windows platform or on other non-Windows platforms. By continuing to allow Microsoft to use tacitly illegal sales and coercive agreements with PC manufacturers and the various Internet Service Providers, etc., the Justice Department will be supporting and furthering the illegal existence and growth of a monopoly to the great detriment of public at large, not just in the U.S., but the world at large.

Please put a stop to Microsoft NOW, so the freedom of choice is not removed from the market place! If Microsoft is not prohibited from continuing on its present course during the resolution of the lawsuits and appeals, all competitors will have been destroyed during this process and, regardless of the legal results, Microsoft will have succeeded in its goal of being the ''only game in town''!

Thank You!
Geri Zahner
8825 Jellison Court
Westminster, CO 80021
303–440–7726
Fax 303–939–8353

MTC–00026805

From: Jeanne Miller
To: Microsoft ATR
Date: 1/27/02 1:26pm
Subject: Microsoft anittrust settlement
January 27, 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 encourage you and the Department of Justice to accept the Microsoft antitrust settlement. This case has been dragged out for three long years; it is time to put an end to it. A settlement is available and I personally do not believe that the terms are even fair, yet,

I would like to see the government accept it.

In order to put this issue behind them, Microsoft has agreed to many concessions, some of which I feel are uncalled for. Amongst other terms, Microsoft has agreed to release part of the Windows base code to its competitors. Give me a break! Requiring such action is hogwash and makes me question how much the Department of Justice values things like patents. Why bother to innovate if your invention will be forcibly stolen from you if it's successful? Thank goodness for Microsoft's success! WHEN WILL THE DEPARTMENT OF JUSTICE RECOGNIZE THAT THE DOMINANCE OF THE WINDOWS OPERATING SYSTEM IS A

GOOD THING!!! Stop punishing the company that brought it to us!! This idea that we consumers have been somehow shorted because of a monopoly is ridiculous. There are times when it is BEST to have a monopoly for the sake of consistency, ease of use, ease of communication, etc.

Microsoft has been a benevolent leader during the technology explosion that we have been experiencing. Let them continue to lead!

I'm sick and tired of all the squabbling. Microsoft and the technology industry (not to mention the rest of the economy, which is greatly influenced by technological innovations) need to move forward, and in order to move forward this issue needs to be put in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Jeanne A. Miller
4315 Highline Drive SE
Olympia, WA 98501

MTC–00026806

From: jimt23@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:31pm
Subject: Current Microsoft settlement

Sirs:

I believe the current settlement in the Microsoft case is a reasonable compromise and fair to all parties.

Please do NOT litigate this matter any further!

Janet Trewhitt

MTC–00026807

From: nighthawk@xwinds.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:31pm
Subject: Microsoft Settlement

Dear Department of Justice;

I am very much AGAINST the DOJ's proposed settlement in the Microsoft antitrust case.

It will essentially give Microsoft a green light to extend its monopoly into new areas, i.e., digital media.

Please come up with a more just solution!

Sincerely,
Linda Lawson
US citizen and taxpayer
nighthawk@xwinds.com

MTC–00026808

From: Virginia Metze
To: Microsoft ATR
Date: 1/27/02 1:23pm
Subject: Microsoft Settlement

I urge that you stop the persecution of Microsoft and end any further punishment of this company which has succeeded through its own merits and not because of tough business practices.

When I try to do business with any other company, I am again amazed how well Microsoft does in its support to customers, and how badly other companies are doing.

I believe that Microsoft is a monopoly not because it has been ''evil'' but because it has done well and has won the support of its customers. I will not buy another operating system, and I have resented the efforts which have tried to keep me from enjoying the operating system of my choice.

I would also like to point out that if Microsoft attempts to lower prices, there are actually complaints that it is taking advantage of its monopoly position to drive others out of business! Yet, its very modest prices cause others to complain that they are overcharging consumers. This is so very ludicrous, I can't believe it. I for one felt that the 1995 consent decree was wrong; the justice department should not have pursued it against Microsoft. Everyone I knew got Netscape free at the time and it was their intention to only charge for server software. I could probably dig up email from Marc Andreessen to that effect even still. Yet because Microsoft, which paid for the license for Mosaic, tried to put the browser in the operating system, we all had to pay for Microsoft Plus!

I believe that it was an erroneous finding that Microsoft was an ''illegal monopoly.'' I am shocked that the court found against Microsoft on this basis. Furthermore as I understand it, Judge Penrose Jackson found it was an illegal monopoly as a matter of ''fact'' rather than of ''law'', which I would have thought such a finding would be. This of course would be because it is traditionally the case that an appeals court will not overturn findings of fact. In this case they should have done so.

I am also gravely concerned about the ''open source'' movement. I have seen good products driven out of the market by inferior ''free'' products which are difficult to use and maintain. Yet because they are free they take just enough of the market that people will not buy the better product. I think that it is wrong to encourage ''open source.'' The punishment of Microsoft and any efforts to increase their cost of doing business by endless lawsuits and other harassment will give impetus to the free source movement.

I have worked with computers since 1961, and I can assure you that open source will not work.

I am very concerned to see huge markets abandoning Microsoft products and going to the ''free'' operating system Linux, which came out of the Scandinavian countries and was supported by the Free Software Foundation, which is a TAX-EXEMPT CHARITABLE institution. I also urge that you end the tax-exempt status of the Free Software Foundation. There is no reason that I should be supporting them by paying more taxes in order that they do something that helps to destroy the American economy. I even heard that the FSF got donations from Russian communists, but I do not know if this is true.

More and more servers in countries such as China, Korea and other places are going to using Linux because it can be freely copied. I do not want my tax dollars used to put more Americans out of work and put more pressure on the American economy.

Many segments of the American technology economy will not improve until the suit against Microsoft is ended. I am particularly ticked off at the states who pretend to be representing their people but are probably only representing a few companies in their state. I believe it is unconscionable that these states are being allowed to continue to spend millions of tax paper money in an effort to destroy the best software engineering company that we have.

I understand that Microsoft has agreed to go along with the settlement. I feel that the settlement is too tough and actually Microsoft should not even have agreed to go along. I am sure it did so just to end uncertainty in the financial markets and the consumer marketplace. That was very noble of them.

I speak, though they do not know it, for the millions of Microsoft customers around the country who do not even know that their favorite company is ''in trouble'' or they would be supporting them. So, please give this letter a little more weight than you otherwise might, because they have very few people speaking for them; in some cases, not even their own state's attorney general.

Thank you for your patience, in the event that you have made it to the end.

Virginia Metze
101 Windy Willows Drive
Oakwood, IL 61858

MTC–00026809

From: Carol Sands
To: Microsoft ATR
Date: 1/27/02 1:32pm
Subject: Microsoft Settlement

Dear Judge,

I have been following news reports about the Justice Department's efforts to stop Microsoft from destroying every software company that dares to compete with it. I have just found out that you have been appointed to make the final decision regarding the Proposed Final Judgement worked out between Microsoft and the Justice Department. I urge you to rule against it. I work for a non-profit organzation which constantly struggles to meet its sparse budget. If Microsoft becomes the monopoly it wants to become so desperately, consumers, both individual and corporate, will have no protection against price gouging and the superior products that naturally arise out of free market competition. What Microsoft is trying to accomplish is not only legally wrong, it is morally wrong. I again ask you to rule against the PFJ and establish justice for ALL, not justice for the rich and powerful.

Thank you very much.

Carolyn Sands
235 Adams St., Apt 15I
Brooklyn, New York 11201
LAN Administrator, Here's Life Inner City

MTC–00026810

From: Jeff Hecker
To: Microsoft ATR
Date: 1/27/02 1:32pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

With regard to the revised proposed final judgement (PFJ) in the U.S. v. Microsoft case, I would like to submit these comments for consideration in further proceedings.

I am opposed to the agreement for several reasons. Specific examples follow, but generally, the agreement allows Microsoft to

ignore or evade or delay any provision therin by proclamation. I remind the court, that Microsoft lost this case; that decision was upheld by the Court of Appeals; and the Supreme Court of the United States saw no reason to further review the case.

I am disappointed that structural remedies are no longer included in the PFJ. If we learn one thing from history, it would be that Microsoft is undeterred by the law, by the courts, and by any proposed penalty. In previous cases, Microsoft has been found guilty of similar monopolistic practices (See DR-DOS, Stacker). Microsoft may have lost these specific legal battles, but only after they had already won the war. Both competitors were illegally driven out of business before any court could offer relief.

This practice continues today. In other monopoly cases, monopolists are fined for ignoring regulations, the law, and judicial orders. In these cases, the fines are less burdensome than to comply. Ignoring the law, ignoring the courts, is simply an entry on the monopolist's balance sheet. It is simply part of the cost of doing business. An additional cost for the monopolist's customers, the public, to bear.

The effect is that if a monopolist becomes large enough, resourceful enough, then it can effectively ignore the court. This seems likely to happen in this case. Even if the provisions of the PFJ were effective— which, in my opinion, they are not—Microsoft could simply ignore them, prolong the inevitable legal formalities, and then simply pay whatever fines are imposed by the court. The behavior intended by the PFJ will have long since evaporated, if it ever existed at all.

With respect to the PFJ, there are several imperfections which should be addressed before any agreement is considered.

First, throughout the document, many definitions, examples, and conditions are specifically enumerated. This renders them ineffective. Microsoft, by proclamation, can ignore any such definition or condition by simply changing the name of the affected entity. If an ''API'' (Application Programming Interface) is renamed as an ''APS'' (Application Programming Specification), then a majority of the PFJ will be rendered useless with one stroke of Microsoft's pen.

''API'' is used here simply as an example. Other enumerations, other acronyms, and other phrases are equally vulnerable to redefinition or obsolescence by Microsoft.

Too many of the provisions in the PFJ are conditioned upon agreement by Microsoft. Why? I remind the court that Microsoft lost this case. Their business practices were found to be illegal. I see no reason that the guilty party should hold a trump card when behavioral remedies are imposed. Correcting Microsoft's behavior is the goal of this PFJ. The most serious flaw in the PFJ is Section III.J. Section III.J nullifies the entire PFJ by allowing Microsoft to use it as an excuse to reject or refuse any other element by proclaiming a ''security compromise.'' Microsoft has a long and clear record with respect to security, viruses, trojans, and all manner of compromising software. As nearly every Microsoft product has a woeful security reputation, Microsoft can proclaim that every feature of every product has security implications, and reject every PFJ behavior mandate.

Not to mention the enumerated list of exception which Section III.J provides. For example, this e-mail message, if it had been sent using MSN (the Microsoft Network) would have become copyrighted by MSN! A Microsoft product would be allowed, by Section III.J, to do whatever it wanted with that copyrighted material, including witholding its delivery to the court. And no one would ever know.

That's a rather far fetched example, but it illustrates the latitude granted by Section III.J. A future court would never even hear a case against Microsoft because a pre-trial hearing would invoke Section III.J of the agreement and the case would be summarily dismissed.

Again, I remind the court that Microsoft lost this case in court; the decision was upheld upon appeal, and the Supreme Court of the United States found no reason to hear the case. I believe that history shows that Microsoft evades, obfuscates, or simply ignores the law, the courts, and orders from the bench. I believe that this PFJ lacks any incentive for Microsoft to adhere to it, and indeed, offers a mechanism for total ignorance.

I suggest that the court reject the proposed final judgement in its current form, and that a more robust remedy be found. One that will be less likely to be manipulated and/or ignored by losing defendant Microsoft.

Thank you for your attention,
Jeff Hecker
2121 Shorefield Rd.
Wheaton, MD 20902

MTC–00026811

From: Paul Harold Barsic
To: Microsoft ATR
Date: 1/27/02 1:40pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I will soon finish a Master's degree in engineering, and I am concerned that the existence of an ever expanding monopoly will make it difficult for me to support my family. I do not believe that the proposed settlement will curb the Microsoft monopoly. I am pleading with you to reject the proposed settlement. It was an agreement that was reached quickly in consideration of our economy, but this settlement is a severe threat to that very economy.

I have a long list of complaints. I will summarize a few of them here. My first complaint is the term of agreement is far too short. Since 1995, there have been four major releases of Microsoft operating systems: Windows 95, Windows 98, Windows 2000, Windows XP. The length of time suggested in the agreement would be only one or two more product release cycles. This is much too short to create a sustained effect on our economy. The provision should be one not of time, but of desktop market share. When it is demonstrated that Microsoft is no longer an illegal monopoly, the restrictions should be lifted.

My second complaint involves the technical committee. It is stated (section IV, subsection B, item 7) that, ''Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington.'' Furthermore, (section IV, subsection B, item 6a) this committee will serve, ''at the cost and expense of Microsoft.'' This makes them indistinguishable from Microsoft employees. It puts Microsoft in a position to place pressure on these three people to settle compliance issues in favor of Microsoft.

My third complaint involves section III, subsection J, item 2. The freedoms given to Microsoft in the name of anti-piracy are absurd. Every API could be manipulated to create a security exploit. The anti-piracy stipulation will allow Microsoft to justify any anti-competitive agreement as necessary to prevent piracy. This supports a model known popularly as ''security through obscurity.'' This model is not valid. The most secure servers on the web are built upon code that is freely available to the public (Apache, NetBSD, OpenBSD, GNU/Linux). The easiest servers to exploit are built upon proprietary code (Microsoft IIS, Microsoft Exchange, Microsoft Windows 2000, Microsoft Windows XP). The number of exploits for web servers running IIS on top of Windows 2000 is astonishingly high (more than 70 new ones discovered in 2001), while the number of exploits for Apache web servers is low (less than 10). It is not a question of market share;

Apache servers power approximately 60% of all websites. I realize that we are talking about desktop systems, not servers, but the key point here is that security through obscurity is not effective. The security clause is entirely unnecessary, and it creates a hole big enough to fit all of Microsoft's operations. In the words of Assistant Attorney General Charles A. James, it's ''one of those ''duh'' issues.''

Finally, I would like to see the Microsoft APIs and document formats (especially Microsoft Office) made public. This would level the playing field for any company that wants to create programs to interoperate with Windows. It will facilitate the introduction of new software manufacturers. It will introduce competition. It will create jobs.

Please, protect our country from an unlawful concentration of power in the hands of a small group of men in Washington.

Sincerely,
Paul H. Barsic
3000 S Chautauqua #145
Norman OK, 73072

MTC–00026812

From: Mark Hoffman
To: Microsoft ATR
Date: 1/27/02 1:35pm
Subject: Microsoft Settlement

Say what you will about its monopolistic behavior, Microsoft at least never lied to its investors and employees about its business prospects. In fact, Microsoft is notorious among stock analysts for its conservative business projections. In this day of hot-air stock valuations, hype-filled IPOs, and blue-sky projections, Microsoft's scrupulous honesty in its communications with employees and the investment community is commendable. It's useful to compare that to

the shenanigans of a formerly high-flying business that's currently splattered across the headlines. Enron apparently did nothing BUT lie to investors, employees, and the government. And on a more personal note, Bill Gates didn't cash in his chips and flee to the suburbs like so many Enron execs. Instead, he's taken a huge chunk of his money and put it to good use for society. See the story below, for example.

http://www.msnbc.com/news/694130.asp

I'll take Bill Gates's morality any day.

MTC–00026813

From: Gordon
To: Microsoft ATR
Date: 1/27/02 1:38pm
Subject: Microsoft Settlement

May it please the Court,

I find nothing in the Proposed Settlement that could be considered punitive of Microsoft. This is unconscionable. Microsoft's illegally obtained and maintained monopoly of the business desktop has cost American businesses (and also government) billions of Dollars in lost productivity and time wasted by their employees wrestling with Microsoft products when more usable and reliable alternatives exist.

Being forced to use Microsoft tools in place of those I would use by choice has reduced my personal productivity by an average of at least two hours per week, or five percent. The percentage would be larger for someone less knowledgeable about computers.

Microsoft should be fined an amount equivalent to five percent of the salaries of all the office workers that have been given Windows and Office by their employers, times six years since the first settlement, times three.

Gordon MacGinitie
5435 Claybourne St. Apt 704
Pittsburgh, PA 15232

MTC–00026814

From: Rima Karam
To: Microsoft ATR
Date: 1/27/02 1:40pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am a student at Boston University, and am writing to you in regards to the Microsoft settlement between the Justice Department and Microsoft.

I am concerned that that settlement does not prevent Microsoft from continuing to be a monopoly.

Monopolies hurt our society and don't allow the people to use the best possible product they can.

It also discourages possible start-ups to come out with a new product against those Microsoft offers.

I'm just writing to ask you to reconsider and turn over the settlement in order to prevent Microsoft to continue with its monopoly. Thank you.

Sincerely,
Rima Karam
Boston University, 2003
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00026815

From: Gene Risoldi
To: Microsoft ATR
Date: 1/27/02 1:41pm
Subject: Microsoft Settlement

Some quick points about this issue:

1. Microsoft's Windows OS is the only US made product I have seen in every country in my travels throughout Europe, S. America and Asia. As a business man, I find it incredible that the only worldwide challenger that could hurt this company in the long run is our own government.

2. I have been involved in companies who have been charged with illegal activities with regard to Sherman's anti-trust laws. I believe that if someone has done something illegally, they should be charged, prosecuted by our laws and pay the claim. I also believe that that same law suggests that we as consumers must have been financially damaged in some way for the law to be invoked. I build computers and have owned Apple products, worked with WARP and used Netscape as my browser. When Microsoft added thier browser to their OS, I couldn't have been happier, and it didn't cost me a cent. In fact, it saved me $49.99 in upgrades everytime Netscape needed some new revenue. Bottom line, Microsoft, because of their mass, their rseearch and their marketing prowess kicked over their competition in favor of the ultimate consumer. I call that smart business and instead of congratulating them, our government, whose members have proven they can't run a damn thing effeciently or well, claims they know how to fix it. How, by breaking the company into little pieces. These are the same people whose number one responsibility is to provide for the common defense...last time I looked, 3,000 people died and the damages were in the $90 billion dollar range? And they want to tell anyone how to operate? I find it difficult to not vomit.

3. Now we have the states suing Microsoft. How in merciful heaven were they damaged? Oh, I know their constituents were damaged. Well, what about the local county and city governments? Don't they have ''constituents'' and why aren't they involved?

4. Let's talk about the real damage this government has caused those of us who not only are happy with Microsofts activities but bought their stock when we saw that we finally had a dominating worldwide company in the US who could kick some foreign butt. I have just a 1,000 shares, which were once at $120 and after the governent's action, now hovering around $65. Do you in government know how many browsers I can buy for the $55,000 loss your actions cost me personally?

5. Finally, if I were Bill Gates, I say piss on the American justice system and everything it stands for and move my company, the whole kit and caboodle to let's see, how about China? I think they would welcome them. And take how many?, 80,000 directly employed jobs with them plus another what ?, 150,000 supplier jobs. If they made that announcement, I'd buy more stock!

6. However, don't you misunderstand me. I love America, and I know that capitalism and the free enterprise system is unequaled when it comes to producing wealth and creating jobs. I retired at 55, not because I won Dick Gepharts life's lottery, which really upsets the hell out of me everytime I think about his comment, but because I worked my rearend off; spent 65% of my life away from my wife, our kids and our families, so we could take full advantage of the opportunities we were presented within our system. And I have traveled and worked within other countries enough to know how fortunate we all are in America.

7. Finally, I will turn 60 next week and I wish you to know that those of us who are a little older and a little wiser understand that there are those who create wealth and those who wish to take it away and give it to themselves or to those who will give them the power to get it and pass it around. But there is one constant that I have learned and I hope my fellow countrymen pick up on someday soon. Simply, There is only so much money in the system. There are those among us who for whatever reason, will do what it takes to amass as much a share as we can and for most of us, to do so in legal and moral ways. The idea that governement is going to save us money or make us money is smoke and mirrors because it begins and ends as OUR money. If there is a cost, we will pay for it. I think about the tobacco settlement and when I think about how much of it went to ''government beaurocrats'' to pay the health expenses or to educate kids not to smoke, and I read about what programs it really funded, I can only hope that the rest of the citizens of this country wake up and comprehend how corrupt we have allowed our system to become.

8. And finally, how can it be that when we have a company who truly was responsible for the universal application and use of computers and the prolific results of that use, (which history will soon realize was equal to if not more remarkable than the ''industrial age'') that we want to tear them apart because they are the best at what they do.

I leave you with what I started this memo about. In our governing system, if someone can be proven to have done something illegally, throw the book at them. But as a governing body, stay the hell out of decisions about running businesses. America can only handle so much incompetence before we really get into trouble.

Given sincerely as an opinion, but with plenty enough historical fact to make my case.

Gene Risoldi
10139 Big Canoe
Big Canoe, GA 30143

MTC–00026816

From: JamesWhatley@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:41pm
Subject: Microsoft Settlement

The case against Microsoft needs to come to a close. We should not penalize a company for proving excellent products and creating hundreds of thousands of jobs for developers like myself who use Micrsosft products to develop applications. This is how I earn my living.

MTC–00026817

From: nancyreidcaverly@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:38pm
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,
nancy caverly
11 linda rd.
andover, MA 01810

MTC–00026818

From: The Husons
To: Microsoft ATR
Date: 1/27/02 1:44pm
Subject: Microsoft Settlement

Dear Sirs,

My husband and I urge the acceptance of the agreement reached between Microsoft and the DOJ and some of the states.

We are tired of companies like Sun Microsystems resorting to lawsuits to gain market share instead of good old R and D and marketing efforts on their part.

We also feel that the agreement is fair to all parties involved.

We need to stop wasting resources on lawsuits and let the companies ge back to work and get our economy going.

We feel that the lawsuit was without merit and should be settled as soon as possible.

Very Truly Yours,
Margaret and John Huson
801 N.E. Old Belfair Hwy
Belfair, Wa. 98528

MTC–00026819

From: mabo75@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:45pm
Subject: microsoft settlement

It's in the interest of all concerned parties that this settlement be put to rest finalizing this suit.

Robert Kline
Mabo75@juno.com

MTC–00026820

From: williamswp@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:48pm
Subject: Microsoft Settlement

I believe it is time to end all of the legal bantering and go with the agreed upon settlement. If it is continued further it is only costing the average citizen through our tax money. Use the taxes for more important things.

Warren Williams
9408 E.... 25th Street
Indianapolis, Indiana 46229
317–897–0286
williamswp@juno.com

MTC–00026821

From: Sandra G. Owen
To: Microsoft ATR
Date: 1/27/02 1:48pm
Subject: AOL

It is about time that the settlement previous to AOL is finalized.

AOL is seeking to line its own pockets by adverse action; as stated by one of the Attorneys General who oppose settlement—paraphrased ''we will sue and sue because we do not have to pay fees, Microsoft has to do that.'' AOL itself is wanting something for nothing; riding shirttails to get business without innovation of its own.

I can only hope that the Tunney Review stops all attempts, underhanded ones at that, as the public has had enough of this bickering and most importantly jealously by those not capable of doing there own research and development.

Sandy Owen

MTC–00026822

From: Ron Hitchens
To: Microsoft ATR
Date: 1/27/02 1:51pm
Subject: Microsoft Settlement

DOJ,

I wish to comment on the proposed settlement in the Microsoft Antitrust Settlement.

I have been a computer professional for over 25 years and in that time have observed the behavior of many computer companies. It is well known in the computer industry that Microsoft doesn't play fair. They routinely thwart and/or crush competition in any way they can. Microsoft is predatory, plain and simple.

Microsoft was found guilty of anti-competitive practices. This is good, because it proves out what has been widely known by the entire industry for many years. But the proposed settlement is woefully inadequate.

Microsoft, though clearly found guilty of anti-competitive behavior, is not being punished for that behavior. They are in fact benefiting by the so-called punishment—contributing Microsoft software to schools is hardly a punishment. It is basically low-cost advertising for Microsoft and further helps to squeeze out alternatives. A better punishment would be for Microsoft to donate the cash equivalent of the retail cost of the software, to be spent as the schools please, but that still would not address the real problem.

It's painfully clear the proposed settlement is politically influenced and greased by that best of political lubricants: money. Microsoft has mountains of cash and knows how to wield it as an effective weapon. They are also masters of the FUD attack.

I urge you, the Department of Justice, to not be blinded by Microsoft's propaganda campaign or to be influenced by the political pressures I'm sure are exerted upon you. In this day and age, it seems ethics are a quaint anachronism. Lawyers it seems can twist anything with enough money and PR. Microsoft has the best attorneys money can buy, still were found guilty. Please don't ignore that screaming fact.

You have a chance to do the right thing here, don't blow it. —

Ron Hitchens

MTC–00026823

From: jspricesr@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern;

It is time to bring the Microsoft lawsuit to a halt and stop trying to make a bunch of greedy lawyers rich in the process. The seniors of this country need all the breaks we can get because to date, they are few and far between. We, on social security, cannot even afford our life saving drugs, and the internet is completely out of the question. Most of the Government programs only benefit Minorities and bums except Medicare. Let us get on with this business and stop listening to special interest groups interested in lining their own pockets at the expense of seniors.

Joe S. Price
Crosby, Texas

MTC–00026824

From: Urbie
To: Microsoft ATR
Date: 1/27/02 1:52pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed Microsoft settlement because it directly increases Microsoft's share of the educational market.

Sincerely,
Urbano Delgado
me@urbie.com
323–365–1350

MTC–00026825

From: vanharvey2 HARVEY
To: Microsoft ATR
Date: 1/27/02 1:53pm
Subject: Microsoft Settlement

Over the last eight years, I have, by accident, become a software developer. I came into PC's as a sales manager during the time before Microsoft dominated the business software suite's. I began working with Lotus & Borland's products, and then found Microsoft's. I checked them all out, and found that Microsoft's had more of the features and support that I wanted & needed. They enabled me to help my salespeople to make more effective and productive us of their time, in more ways, than any other product available. I became so hooked on being able to unlock people's productivity by fiddling with software code, that I became an Instructor and then fulltime developer.

Through the years, I've found that Microsoft's products consistently give me more of what I need, than any other product out there, and as a result, my professional standing, my income, and my families security, has increased dramatically as well.

That professional and financial security was rocked when the DOJ won it's initial case against Microsoft. My entire industry was affected immediately, and as we in the software industry know, the DotCom bust followed as a direct result.

I resent that my government precipitated this calamity, from an effort to prop up those software companies that I and most of those I work with, try our best not to have to use;

because their products are inferior, and their policies are restrictive and ''thuggish'' in dealing with developers.

We, the software Developers and users, didn't ask Government to step in and ''protect us'' by crippling Microsoft—a bunch of 2nd rate companies did, and it was for their betterment, not ours. We use Microsoft because we have decided that their products make our lives and professions, more successful.

Please get out of their way.

If Microsoft stumbles and begins to crank out inferior products, you can be sure that we'll jump ship quickly, (and one of us will create the software that the rest jump to), and we won't need the Government to tell us there's a problem. We don't need the Government forcing us to use inferior products made by inferior companies with inferior bully management, when Microsoft has what we want in the way we need it—now.

Microsoft has a right to design it's software, the way they choose, and we have a right to choose it, if we choose. As an American company, Microsoft has a Right to its property, and it is the government's job is to protect that right, not to take it away.

Please let Microsoft alone, and settle this case quickly.

Sincerely,
Van Harvey
4 Rustic Meadow Ct.
St. Peters, MO 63376
636–939–3411
vanharvey2@msn.com

MTC–00026826

From: CharlesIrv@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:54pm
Subject: Microsoft settlement
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to urge you and the Department of Justice to accept the Microsoft antitrust settlement. It's time to end this case, which has been dragged out for over three years.

The suit has hurt not only Microsoft and its stockholders but also the technology industry and the economy as a whole. Any settlelment agreement that ends this situation should be seriously considered, and this settlelment, with tough restrictions on Microsoft, should be enacted. It can't reasonably be claimd that Microsoft is getting off easily. The settlement forces them to give up propietary information about and certain controls on their operating system so that others can more easily make and promote products that directly compete with Microsoft products. If Microsoft breaks this agreement they can be punished for contempt of court.

The first step in getting the technology industry back to business is settling the antitrust suit with Microsoft. A settlelment has been drafted and I would like to see it accepted. Only once the antitrust suit is in the past can the technology industry focusd on the future.

Sincerely,
Charles Wright
Charles Wright
6704 Klein Street NW
Olympia WA 98502

MTC–00026827

From: wt.catch1
To: Microsoft ATR
Date: 1/27/02 1:52pm
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,
Dustin Cross
IN 47303

MTC–00026828

From: Erv (038) Nancy Otte
To: Microsoft ATR
Date: 1/27/02 1:57pm
Subject: Re: Microsoft Settlement

Gentlemen:

Close this case. This case is simply another mistake by the William Jefferson Clinton term. Let Microsoft continue to help the world develop.

Microsoft has done more to help improve the world than almost all other businesses in the world. Let the free enterprise system continue. More Government will only hold back growth and development.

Sincerely,
Ervin G. Otte
Bedford, Indiana USA

MTC–00026829

From: Alex Johnson
To: Microsoft ATR
Date: 1/27/02 1:58pm
Subject: Microsoft Settlement

Your Honors,

I have suffered greatly from the actions of microsoft over the past years. My work with video has been sabotaged by Microsoft's efforts to break QuickTime and make it look like Apple's fault. At times it has hurt my credibility and many many times has hurt my productivity. My choice of everything in the computer world has diminished as Microsoft has risen. I lost quality alternative word processors, web browsers, and alternate operating systems. Furthermore, I am outraged that Microsoft has never taken the legal system seriously. From all it's falsified demonstrations in the early phases of the trial through it's insulting proposed remedy, it's clear that Microsoft does not respect our court.

The proposed remedy is a joke, and the implementation is an insult. The idea that Microsoft would be able to self-police is not valid. And installing court officers inside of Microsoft who wold be subject to the corporate culture and exposed only to what Microsoft lets them see would certainly do nothing than placate the court, but not offer any real solutions to consumer's problems.

As Microsoft prepares to make another move into homes with the X-box and Ultimate TV, and before they can hurt consumers any more, I recommend you punish Microsoft in a way that will compensate it's customers, who have certainly suffered as a result of the unfair practices of a company with more money than ethics.

Al Johnson
Cincinnati, Ohio

MTC–00026830

From: jay
To: Microsoft ATR
Date: 1/27/02 1:59pm
Subject: Microsoft Settlement

For shame,

Anti-trust was put into place to protect Joe public.... As I see it, it has not been enforced in 20 years. How about going after Microsoft and every other company pre-selling product with no product ready to ship or a responsible shipment date. Or any company that sells beta ware waiting for the public to test it and than usually charges for the upgrade. If they sold a car with non-functioning brakes you would be all over them due to the deaths involved.

How bout doing the right thing for a change and find for the public and not with corporate America who can not be held responsible for anything.... or so it seems

Jay Farber
JFMConsulting
Los Angeles —

MTC–00026831

From: Ted Beel
To: Microsoft ATR
Date: 1/27/02 2:01pm
Subject: Microsoft Settlement

January 27, 2002

Dear Sirs:

I am writing to express my support for the settlement of the antitrust case against Microsoft. As a former Microsoft employee, I think that the employees and executives of Microsoft are looking forward to the opportunity to move past the legal problems. I have no doubt that Microsoft employees will work fairly and honestly, according to the terms of the settlement.

During the past month, many of Microsoft's competitors have reported financial results and made predictions regarding future financial results. I am guardedly optimistic that financial conditions will improve for many high-tech companies as customers see the benefits of open access to Microsoft source code. Reduced support costs may well provide an impetus to growth necessary to lift the industry from its current economic slump.

Thank you for considering my opinions in this matter.

Regards,
Ted Beel
1627 164th Place SE
Mill Creek, WA 98012

MTC–00026832

From: Jerome Borden
To: Microsoft ATR
Date: 1/27/02 2:05pm
Subject: Microsoft Settlement

Dear Sir,

Please get this case settled as quickly as possible. In case you haven't noticed, the current economic downturn started about the time that court decision against Microsoft was handed down. There is nothing ''the Market'' abhors more than uncertainty. Next on that list is the prospect of hard work being punished. This is why the market goes down when the ''economic news'' is good. It is afraid of what the Federal Reserve will do. The same is true of the Tax Code and Ecology Regulations causing otherwise willing people to not engage in certain activities. The threat of Legal Plundering is in this list of economic stiflers. Ask any smoker about that. Many businesses go out of their way and threaten legal action to prevent their products from having any contact with aviation because of Fear of Lawyers. A similar cloud fell over the high tech industry starting in mid-2000 and that had a lot to do with Microsoft litigation.

Yours Truly,
Jerome C. Borden (a current Netscape user)
1571 E. Beechwood Drive
Layton, UT 84040–2226
801–586–3616 (days, else 801–593–0078)

MTC–00026833

From: Sameer Chopra
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Setttlement

To whom it may concern:

Recently, Microsoft was accused by AOL/Time Warner on behalf of Netscape to have violated antitrust laws. They say that since Microsoft is bundling Internet Explorer with the Windows operating system, they are monopolizing the business. I agree with this statement because by putting their web browser on the computer, most users will use it because it comes installed on the computer. This has the potential to drive Netscape out of business because only people who specifically want Netscape will use it. Those who do not care will use Internet Explorer because it comes installed on the computer.

This event is similar to the time around the industrial revolution, when larger companies would drive smaller companies out of business, then buy them for almost nothing. Similarly, Microsoft is trying to destroy Netscape, but not to buy it out. Instead, it wants to disable AOL/Time Warner's hold in the web browser business. In conclusion, Microsoft's bundling of Internet Explorer with Windows is a clear attempt at a monopoly and must be stopped.

MTC–00026834

From: twdow@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:05pm
Subject: Microsoft Settlement

I respectfully suggest that the Proposed Final Judgement be rejected, based on the following facts:

A. There is no provision preventing Microsoft from restricting the use of non-Microsoft middleware as a means by which competing operating systems might make use of software designed for Windows. Such an option would greatly enhance the competitive environment, serve the public interest, and lower the barrier of entry for new operating systems. Microsoft has a history of preventing competing products from working with it's operatng systems, as was the case with Corel's ''DR.DOS'' product and Windows 3.1. It is certain that they will resume this anti- competitive practice, unless prevented.

B. The provision, in Section III/I, Subsection 5, that a licensee be required to license it's products back to Microsoft, is to Microsoft's advantage. The monopoliust already has an advantage, acquired thought illegal means. any judgement needs to deny Microsoft the ability to preserve and extend it's illegal monopoly.

C. Section III/J, Subsection 2(c), requires that a licensee meet standards '' . . . established by Microsoft for certifying the authenticity and viability of its business''. This provision is so broad that it effectively makes the final judgement invalid. This provision limits the licensee to ''businesses'' but, by Microsoft's own admission, some of it's chief competitors are non-business entities like Apache, Samba, and Linux.

D. Nowhere in the PFJ is Microsoft required to disclose information about its file formats (Microsoft Word, Excel, WMP, and so on). It is clear that Microsoft will continue largely unpunished should the Proposed Final Judgement be accepted. Microsoft has been found guilty of maintaining an illegal monopoly. A resolution is needed that is far more effective at delivering a suitable remedy.

Thomas Dow
CC:twdow@cfl.rr.com@inetgw

MTC–00026835

From: Mark Roberts
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Settlement

Thank you for presenting me with the opportunity to share my views on the Proposed Final Judgment (PFJ) on the Microsoft case.

I firmly believe that the PFJ will fail to curb Microsofts illegal, anticompetitive behaviors (or as John Ashcroft simply called it, Microsoft's unlawful conduct) due to its failure to either address at all, or in sufficient detail, three main behaviors. 1) Most Windows APIs are shipped by Microsoft as add-on SDKs with associated redistributable components under a very restrictive End User License Agreements (EULA) barring use with Open Source or Free Software applications. 2) Microsoft discriminates against independent software vendors who want to develop Windows-compatible, competing operating systems. 3) The PFJ narrowly defines Windows Operating System Product in definition U to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors ignoring Windows Pocket PC, X-Box, Tablet PC and other OSs which Microsoft is developing.

As I mentioned, most Windows APIs are currently shipped by Microsoft as add-on SDKs with other associated redistributable components. Applications which wish to use the Windows APIs are forced to also use the add-on SDK components even though those same add-ons. The catch, of course, is that the SDK components almost always have very restrictive EULAs prohibiting their use with Open Source or Free Software applications. This directly harms companies wishing to develop software as they are forced to either hope that the people using their product already have up-to-date APIs (which is always possible, but is a poor practice for a company to rely on as their product will quickly become thought of as unstable or unreliable since there is bound to be a group of users who suffer problems due to API problems) or they must shun Open Source and Free Software licenses for their product. Two applications which are harmed by this restrictive EULA include the competing middleware product Netscape 6 (competing against Internet Explorer 6) and the competing office suite StarOffice (a competitor with Microsoft Office XP). The restrictive EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

The PFJ will fail to curb Microsofts discrimination against independent software vendors who want to develop Windows-compatible, competing operating systems. Today, the Microsoft Platform SDK coupled with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. However, the EULA for the Microsoft Platform SDK 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 programs built with Visual C++ on Windows-compatible competing operating systems. The PFJ failure to address these exclusionary behaviors will contribute to the Applications Barrier to Entry faced by competing operating systems.

Perhaps the biggest flaw of the PFJ is that it uses an overly narrow definition of Windows Operating System Product in definition dd. Restricting the definition of Windows Operating System Product to only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors ignores many major avenues of growth that Microsoft itself sees in the future of computing. Microsoft's monopoly is on Intel-compatible operating systems not just the three current OSs listed in the PFJ and their successors. Nearly all applications

written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with a simple recompilation, can also be run on Pocket PC. Microsoft even proudly 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. Bill Gates, in his address at the recent COMDEX convention (available at: http://www.microsoft.com/billgates/speeches/2001/11–11comdex.asp) with Jeff Raikes assisting him agreed with the statement that the Tablet PC operating system is already able to run all existing Windows programs along with a suite of its own applications. And yet it is highly debatable that the Tablet PC operating system is a successor to any of the three OSs listed in the PFJ. Even clearer is that Windows Pocket PC is not covered in the PFJ as it existed before any of the three OSs listed again, Windows Pocket PC can run versions of many Windows programs. 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 (which in its next generation, currently named Homestation will attempt to dominate the Personal Video Recorder market currently led by TiVO and SonicBlue while becoming the central piece of entertainment in homes or as ABC News said, Microsoft's big black box is but a cog in a more ambitious machine, one designed to tie the software giant to every area of home entertainment. The whole story is available at: abcnews.go.com/sections/scitech/TechTV/techtv—Xbox020123.html) or some other Microsoft Operating System that can run Windows applications.

So what we are left with is a potential shift in Microsofts business away from Windows XP and towards new OSs like Windows Tablet Edition or X-Box or Pocket PC none of which are clearly successors to Windows XP. Instead, they are Windows-compatible operating systems the exact same type of product that Microsoft bars other companies from making as I addressed in my second point. Therefore, the PFJ will allow Microsoft to extend its monopoly as it can (and certainly will) develop distinct new Operating Systems which are Windows compatible while not addressing Microsofts refusal to grant that right to other companies.

Finally, I need to say that the opinions I expressed here are solely my own and are in no way influenced by the fact that one of the paralegals at the Department of Justice is cute!

Sincerely,
Mark Roberts
Washington, DC

MTC–00026836

From: BERNARD FLEISCHMAN
To: Microsoft ATR
Date: 1/27/02 2:10pm
Subject: Microsoft Settlement
From: Microsoft's Freedom To Innovate Network <fin@MobilizationOffice.com>
To: '''bera1626@msn.com''' <bera1626@msn.com>
Subject: Attorney General John Ashcroft Letter
Date: Sat, 19 Jan 2002 14:01:18 –0500

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General and carbon copy it to your Member of Congress. We believe that it is essential to let our elected officials know how important this issue is to their constituents.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

Carbon Copy:
Rep. Robert Wexler
Fax: 202–225–5974

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm
8867 Brittany Lakes Drive
Boynton Beach, Florida 33437
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to show my concern for the Microsoft Antitrust settlement. I believe that the Department of Justice and Microsoft have come to reasonable terms and that the duration of this case should be ended. The settlement enforces a number of restrictions and obligations that Microsoft must follow in order rectify this antitrust violation, which should promote more competition in the software market. Microsoft has even agreed to make available to the competition various interfaces that are internal to Windows'' operating system products. In addition to that, Microsoft has also consented to promote competitor's programs within Windows software.

Microsoft has agreed to make drastic changes in order to fulfill their obligations and I think that this settlement should put an end to this lengthy case.

Sincerely,
Arline Fleichman
cc: Representative Robert Wexler

MTC–00026841

From: Timothy o'shea
To: Microsoft ATR
Date: 1/27/02 2:14pm
Subject: Microsoft Settlement
Department of Justice
Timothy o'Shea, International Communications Executive,
620 Euclid Avenue
San Francisco, CA 94118
RE : Final Microsoft Settlement/Judgement

It seems clear that anything that defines a ''final'' settlement for the Microsoft case must focus on this opportunity to halt monopolistic practices that further define a more limited access to freedom into the future.

After all the resources and expense of the Federal Government in pursuing the formidable position of Microsoft in the market, the initial intention must be paramount: protect future domestic security, rights and economy. Only with a focus on protecting future commerce and individual rights can the government honor its original intention to protect the consumer, the public and the still evolving opportunities of the Information Age and the economies that will emerge within it.

The following are some of the required points that must be included in the spirit and letter of the settlement.

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with

alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates

The overall question is to ask is if there could be so much smoke around the practices of Microsoft, without the fires of monopolistic strategy being at the source of a strong and growing fire. Such an informational juggernaut position, if unchecked, could unleash a slow burning fire that becomes too much to quell later on.

I hope you will keep these points above in mind. They are, indeed, what is necessary to keep the digital divide from keeping out too many from having access to the future in any meaningful way.

Sincerely,

Timothy o'Shea

MTC–00026842

From: Anant K Saraswat
To: Microsoft ATR
Date: 1/27/02 2:14pm
Subject: Microsoft Anti-trust Decision

As a student in the Master of Engineering Program at the Massachusetts Institute of Technology, I would like to comment on the Proposed Final Judgement.

While the spirit of the ruling, which is to prevent anti-competitive practices by Microsoft, is admirable, the letter of the ruling leaves many loopholes that Microsoft will be able to exploit that will allow it to continue to stifle competition. Specifically:

The definition of the term ''API'' used in the ruling is extremely narrow—it only refers to the interfaces between Microsoft Middleware products and the OS. This would allow Microsoft to refuse to disclose many interfaces that developers will need to write applications that use Windows. The definition of API used in the ruling should be altered to say, ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Popular Windows Applications running or being installed on a Windows Operating System Product use to call upon that Windows Operating System Products in order to obtain services from that Windows Operating System Product.''

The term ''Windows Operating System Product'' is also too narrowly defined. It does not include any of the Microsoft Operating sytems that are targetted towards use on laptop computers or PDA's, such as Microsoft Windows CE. These operating systems should also be included in the settlement.

The ruling does not contain language that prevents Microsoft from intentionally designing its products to be incompatible with other operating systems.

The ruling allows Microsoft to retalliate against OEMs that ship PCs which use an OS other than Windows. Given the current popularity of Windows and other Microsoft products, no OEM can afford to risk a cutoff of Microsoft products in retalliation for using competing products. This is a barrier to competition.

The ruling requirs Microsoft to license Windows at uniform terms and published prices to the top 20 OEMs, but does not put any restrictions on its licensing to smaller OEMs. These smaller OEMs are the companies most likely to experiment with other operating systems. Section III.B. allows Microsoft to offer unspecified Market Development Allowances 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.

MTC–00026847

From: Dale Lillie
To: Microsoft ATR
Date: 1/27/02 2:15pm
Subject: Microsoft Settlement

Sir or Madam,

I strongly urge the US Department of Justice to settle the Microsoft case now and enter the revised proposed Final Judgment. The case brought against Microsoft was motivated primarily by competitive malice. Settling this case is certainly in the public interest.

Microsoft has been a boon to me by bringing lower PC prices, faster and better computing, and better software development tools. In addition, this lawsuit has cost investors, literally hundreds of billions of dollars.

I have gladly purchased and used Microsoft products for over 20 years. Professionally, I have developed many systems based on Microsoft software products. During this time I have interacted with Microsoft personnel at many levels. At no time did I think that the relationship with Microsoft was not fair or beneficial to me as well as to other parties involved. To the contrary, I believe that Microsoft to a large degree is responsible for the current economic good health of the USA, as well as many other countries of the world.

It is time to end this antitrust action begun in 1997.

Sincerely,

Dale G Lillie

Dale G Lillie
River Forecast Group
<http://WWW.RiverForecast.com> http://www.RiverForecast.com

MTC–00026849

From: Mary/Harold Shelby
To: Microsoft ATR
Date: 1/27/02 2:20pm
Subject: Microsoft Settlement:

Please, PLEASE, let's take the proposed settlement in stride and get on with life. Most of the lawyers already have enough money, and there is really no other reason to have dragged this thing out this long.

A normal business would have long since declared bankruptcy if it were operated in the manner in which this case has been handled. If there is no reason to punish the public further, then settle this case NOW!

Any punishment or fine or any other punitive action taken against a business of nearly any kind is eventually suffered or paid for by the public. Look at the fiasco of the Clinton mess: The jerk was not, nor will he EVER be worth what he cost the American taxpayer, no matter HOW much he and his partner/wife (or whatever) steal. Is that enough said about that IT? A MAN would not have done what that thirteen-year-old punk (at the REAL age of 50) did!!

Thanx for lending me your ear so I might let off some steam!

SINCERELY,

Harold Shelby

MTC–00026850

From: Thurston C Tooker
To: Microsoft ATR
Date: 1/27/02 2:24pm
Subject: Microsoft Settlement

To: US Justice Dept.

Please stop this pending (damaging) litigation against Microsoft Corporation. Only self-serving competitors really want this proposed settlement to drag on. It is, without any doubt, against Public Interest.

T, C, Tooker
5308 Terrace Oak Circle
Fair Oaks, Calif. 95628–3634

MTC–00026851

From: Joyce Cheze
To: Microsoft ATR
Date: 1/27/02 2:27pm
Subject: LEAVE WINDOWS ALONE

Separating Windows would complicate computer use greatly. Also, it would increase the chances of incompatibility.

I teach computers to high school students in Florida. Windows is a wonderful for student use. Separating it would create major learning blocks.

Also, we have limited dollars to spend for our budget. Compatibility is vital. Separation would create serious budgetary concerns for technology in Florida high schools.

Please show common sense. Leave Windows working as it is.

Thank you,

Joyce Cheze

Computer Teacher

MTC–00026852

From: adauer@uns-dv1.jcpenney.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:27pm
Subject: Microsoft Settlement

I believe that the proposed settlement is not in the best interest of the United States and represents a complete sellout of the American consumer by the Department of Justice. The settlement must be rejected. The long, expensive trial proved beyond any doubt, as evidenced by the unanimous opinion of the District Appeals Court, that Microsoft is an abusive monopolist that doesn't hesitate to use any tactic, no matter how ethical or illegal, to crush any person or company in its way. The settlement at issue does nothing, repeat nothing, to punish Microsoft for its prior and ongoing illegal activities and puts no, repeat no, real constraints on future illegal and/or abusive activities. The proposed settlement is so full of loopholes that it might as well not be in place.

In fact, the details of this proposed settlement are so completely skewed in Microsoft's favor as to allow them to do

—anything— they so choose in the future and it will be allowed.

The proposed settlement stinks to high heaven and must be rejected as completely inadequate.

I'm ashamed that the so-called Department of Justice would even be associated with a settlement this biased against the citizens they're supposedly representing.

Sincerely,
A. Allan Dauer
United States Citizen

MTC–00026853

From: franick1@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:28pm
Subject: Microsoft Settlement

URGENT ACTION ALERT

Microsoft should not be punished any further and the litigation against them should be truncated NOW.

We believe that the proposed Microsoft settlement be accepted. We believe this settlement offers a reasonable compromise that will enhance access to the internet and initiate innovative software products in the immediate future and have a very positive impact on the American economy and this recession.

Thank you for listening.
Niketas J. Haldoupis and
Laura F. Haldoupis

MTC–00026854

From: candidus1771@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:28pm
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,
Jake Morphonios
137 Dovick Dr
Banner Elk, NC 28604

MTC–00026855

From: Barbara Bryant
To: Microsoft ATR
Date: 1/27/02 2:32pm
Subject: Microsoft Settlement

Having been in the business world for many years and exposed to the onset of the cyberage, I have never understood how anyone could say that Microsoft has been guilty of violating the anti-trust laws. Bill Gates took an EXPENSIVE product and made it available to the general public and to small business at a reasonable cost!

The suit against Microsoft originated with its unsuccessful competitors NOT with its consumers! Are we going to now see an era where one will be unable to go into competition across the street, sell a better product at a less expensive cost and be successful without some lawyer taking away that right? Thank God this could not happen during Henry Ford's day!

We Americans have seen many rights taken away from us in the past 25 years. It seems the only time we have a ''right'' is when it appeases the liberal ideology and I, for one, am sick and tired of it. It is NOT the government's place to protect any business from another in a so-called ''free country''! AND, it is NOT the government's place (or any money-hungry lawyer) to see that I am protected from myself!

Men and women with the intelligence, foresight and GUTS to do what Bill Gates did should never have HIS PROPERTY taken away by a government— especially the AMERICAN government. HIS rights should be protected. And he should be shown as an example to ALL young Americans to encourage them to reach for the same stars rather than some rock star or athlete that manages to have 5—7 children out of wedlock before reaching the age of 25!

If the government really wanted to do something FOR THE PEOPLE of this country, why do we not see any investigations into the ''non-profit'' organizations that seem to have to account to NO ONE! It seems one can set up a ''non-profit'' organization, collect millions, show a very small percentage going to something or some organization that fits the ''help a person'' category, write off HUGE salaries and contributions to mistresses as ''Consulting Fees'', extort millions more from other businesses and the IRS ''doesn't have the resources to investigate''. Forget to include a 1099 from a measly oil royalty of $136.00, as I did a couple of years ago (with a total income of less than $40,000.00) and the IRS seems to have plenty of resources to conduct an audit.

Something dreadfully evil has crept into the American Government ideology and I predict as long as we hard-working, tax-paying Americans sit on our duffs without any outcry, our rights are going to continue to be whittled away in the name of ''protecting us'' and this country will fall into economic, social and moral disaster. Unfortunately, we have a very good foundation to that end today.

Yours truly,
Barbara Bryant
Levelland, Texas

MTC–00026856

From: waspjj@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:32pm
Subject: Microsoft Settlement

To The Justice Department :RE—The Proposed Microsoft Settlement;

The following statement, in part, was sent to me by the Seniors Coaltion.

''The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable. Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.''

I agree with this completely,and think it is time to put an end to this.

Respectfully,
William S.Palmer

MTC–00026857

From: Frances Ward
To: Microsoft ATR
Date: 1/27/02 2:34pm
Subject: Response to any changes to draft

I do not wish to make any changes in the letter drafted—I wish to stand up for Microsoft—Please be aware this is my notice to ask you to accept my letter in favor of Microsoft. FranWard41 @hotmail.com

MTC–00026858

From: William Pence
To: Microsoft ATR
Date: 1/27/02 2:35pm
Subject: Microsoft Settlement

OK, I have waited almost too late to submit my comments:

The DOJ and judicial system in place MUST place conditions against MS in place with teeth, that will cause a fundamental change to MS business practice. As the courts have already found, MS routinely uses illegal monopoly power to protect and advance its market. This is a competitive stranglehold on the industry that will only hurt the consumer long term. From previous judgements in cases like this, MS will interpret these rulings to their advantage at every opportunity. This means an oversight team NOT SPECIFIED OR APPOINTED BY MS is required. Note that they have already tried this game. Their people must be removed from the oversight team. This oversight team must have authority to REQUIRE MS compliance.

Please, Please, Please do not allow MS to continue to extend their monopoly via illegal tactics. The proposed settlement to provide schools with technology is a JOKE.

1. they do not have a monopoly there, so this will help them alter the balance in their favor.

2. the accounting in use will claim that Windows costs 199.99, and office costs 499.95, when they are basically ''free'' since MS is just giving copies of existing software.

3. Allowing MS to specify the settlement is like allowing the fox the KEY to the

henhouse, and providing extra place settings for the fox to invite friends.

Several engineer friends of mine and I have watched this trial from the beginning. we all have the collective ''duhhh'' when the court findings of illegal monopoly practices were published. we have also had the collective ''what a waste'' watching the current handling of the case. David Boise laid a perfect design to really solve this. Let's no give away the ending. Let's make a real difference to STOP MS from continuing their illegal practices, and allowing real competition from AOL/Netscape, Apple, Real Networks, and others. thanks,

bill—pence@mac.com

MTC–00026859

From: George Papp
To: Microsoft ATR
Date: 1/27/02 2:29pm
Subject: Microsoft Settlement

Hi I'm a college student at The Ohio State University and the Microsoft Settlement is not fair to a successful company who has done more for the public good than any-other tech company in the business.

Why penalize a company because they are successful. Its not Microsoft's fault that consumers do not buy their competitor's junk product. Also, if Microsoft is paying my education. I was fortunate to have been able to trade shares of Microsoft to pay for my college education instead of taking college loans to pay for it. If Microsoft tanks I highly feel that I would not be able to sell shares and make enough money off the transactions to pay for school. Our Country is having tough economic times and penalizing Microsoft for its success would further send our country down the economic toilet.

Thank You,
George M. Papp
Student

MTC–00026860

From: MJHurd@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:37pm
Subject: Views on Microsoft and Bill Gates

If I Were Bill Gates
Published in USA TODAY 1/24/00
by Michael J. Hurd Ph.D.

Poor Bill Gates. He doesn't know how to defend himself.

If I were Bill Gates, here is what I would say to defend myself:

I created a company. Millions upon millions of people want to buy my company's products. They do so freely and willingly—often enthusiastically. I never lied to my customers. I never held a gun to their heads. They bought from me of their own free will. My products have transformed the world. The billions I've made are small potatoes compared to the benefit the world has gained from my innovations.

It is true that I package together some of my products. But I created these products. It is my right to package and sell them any way I see fit. It is the equal right of individual consumers to shop elsewhere if they see fit. Many of them do. It's a competitive business, and I have no guarantee of always staying on top. In a free market, there are no guarantees.

Government is supposed to protect its citizens from the initiation of force and fraud. I am guilty of neither. Nobody even accuses me of it. It's not the government's place to decide when one particular company has made ''too much'' or ''cornered the market.'' This is the consumer's job, not Janet Reno's or Bill Clinton's job.

There is no monopoly, so long as other companies are free to compete with me; and they are free to compete with me. Government should stop telling the public it's only ''protecting'' them. No such thing is true. If the truth be told, the government is protecting my competitors—not the consumers.

That's what this antitrust case is really all about.

MTC–00026861

From: George J, JUngermann
To: Microsoft ATR
Date: 1/27/02 2:40pm
Subject: Microssoft Settlement

I write this e-mail to let you know I support the proposed settlement as a fair agreement. Any attempt to continue with the court case can only be described as an attempt to benefit the few and not the many affected by this case.

It's time to end this law suit! The settlement is fair to all!

Thanks,
George Jungermann
jungermann@juno.com

MTC–00026862

From: D (038) P Cochell
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Settlement

SETTLE THIS LAWSUIT and let microsoft get back to their work of innovating and marketing tech products that the consumers want and need. The tech industry, the country's economy, and consumers information base needs the growth that an innovative company like Microsoft provides.

Let them do it!
Darrell Cochell
Lakin, Kansas
CC:GENERAL@ksag.org@inetgw

MTC–00026863

From: Peter Mogensen
To: Microsoft ATR
Date: 1/27/02 2:41pm
Subject: Microsoft Settlement

The Microsoft trials,

Hello,

I must say, I'm baffled by the development of the various Microsoft Anti Trust trials in the US. In most of Europe the US legal system has a reputation of being mostly about expensive lawyers and politics. Of course, people regards this as satire, . . . until it affects them self. Allow me to introduce myself: My name is Peter Mogensen and I'm a Danish citizen. I write to you since as a daily user of non-Microsoft products, I'm very concerned about the future of the computer industry with the prospects of Microsoft getting out of the current lawsuits the way the settlements are laid out. My daily work is software development, which you might think disqualifies me of representing the average consumers and users of computers and operating systems. I would argue that I am indeed a user of operating systems and other software products (both professionally and as a hobbyist) and my technical knowledge enables me to see parts of the problem that the average user (or lawyer) doesn't see.

I see every day how computer users find it more and more difficult to live without Microsoft products. This would be understandable if Microsoft actually produced innovative, good quality products. But I don't see computers becoming easier to use for the average user. What I see is a lot of users being led into believe that their computer is easier to use than it is. Often at expense of security. Lack of security in Microsoft products (like Outlook/IE/IIS) has cost the users around the world over $10 billion per year the last 3 years. (http://www.siliconvalley.com/docs/news/reuters—wire/1453344l.htm) There's lots of other reasons to not choose Microsoft software. They are not as important here as the fact, that a lot of people actually want to use something else, but often can't.

Why is that? Because Microsoft is enforcing a (almost worldwide) monopoly on operating systems, office applications, web browsers and a few other products.

You might ask, why Microsoft can maintain such a monopoly if there's appealing reasons to choose other products? The answer lies in the way Microsoft conducts business. I would like to highlight two problems which have influenced my life in a negative direction:

1) In the computer world and on the Internet, compatibility is everything.

If over 80% of the users on the Internet are using a system incompatible with that of the remaining 20%, users are not migrating TO the minority but rather FROM. Microsoft knows this and does everything in its power to make the life of the minority as hard as possible bye making it difficult to communicate with the majority.

This is done by heavy use of proprietary protocols and data formats and often by bending or extending their implementations of open standards to only work with Microsoft products. Examples are the ever changing file formats of MS Word, the J++ Java implementation (http://java.sun.com/lawsuit/111798ruling.html) and the modifications to the Kerberos protocol in Windows 2000 (http://www.infoworld.com/articles/op/xml/00/05/15/000515oplivingston.xml).

Of proprietary communication protocols, which Microsoft actively prevents others from implementing, SMB/CIFS is an example. Without the ability for other systems to talk this protocol, Microsoft are keeping other products out of the local network marked, since this is the official way for Windows computers to do file sharing among computers on a local area network.

Please read: (http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS) or here: (http://lists.samba.org/pipermail/samba/2001-November/060505.html) http://perens.com/Articles/StandTogether.html

Most obvious for the average user is the tendency for the WWW to become ''best viewed with Internet Explorer''.

More and more infrastructure in the western world are placed on the Internet and

it is becoming more and more important for citizens to be able to access this information. The problem is that Microsoft encourages people to implement web sites using technology only available on the Windows operating system and in Internet Explorer. Many web sites are specificly designed only to be viewed with Internet Explorer. Many home banking systems are like that. The World Wide Web was never meant to be viewed with only one client. The WWW was meant to be based on open standards to enhance interoperability. That's innovation. Microsoft does not encourage innovation!

If this development is allowed to continue, we risk having a world were mere participation in the society requires you to run a Microsoft product, effectively paying taxes to Microsoft. I do not want that, and I do not believe you or your citizens want that either.

2) The way Microsoft has controlled the OEM hardware manufactures during the 90's:

Microsoft had the majority of the market share for operating systems.

Knowing that most users doesn't make changes to the computer system they buy and that most users are reluctant to put too much effort into actively searching for alternatives once they have bought a computer it is easy to use your existing market share (and the need for compatibility) to increase your market share. I've personally been using the BeOS (former http://www.be.com) operating system with much satisfaction. This was an very innovative product fulfilling many of my needs as a ordinary user and as a developer. Including things MS Windows didn't supply. The efficiency and elegance of the system made it a breeze to use compared to the many problems Windows users often experience. Unfortunately the BeOS operating system is no more. Be inc was forced out of business by Microsoft. (http://www.byte.com/documents/s=1115/byt20010824s0001/) The product (BeOS) has been bought by Palm inc, who officially has declared that it will not be continued.

Now . . . the result of Microsofts monopoly and ''innovative'' behavior is that over 10 years of development on a cutting edge operating system will not be available for consumers.

I can not see how the current market situation in any way is good for the consumer. Microsofts competition has an almost impossible task in just being allowed into the market, since the market is more than often defined by Microsoft products and proprietary protocols.

In the current market, the commercial model fails to work to the benefit of the consumer. Which products actually reach the consumer are dictated by commercial interests, not by innovation. BeOS is an sad example of this.

Now, what should be done to ensure that the competition of an open market will benefit consumers?

Simple: Require the use of open standards. And enforce it. Microsoft should be prohibited from using proprietary protocols and file formats in communication between computer systems and in interfaces between products. Public digital communication should require use of open standards.

Restricting all protocols and file formats in public use to be based on open standards will guaranty every citizen equal rights to participate in the digital society which are becoming more and more important in the western world.

regards,

Peter Mogensen

PS: Though not directly related to the trial, I was very appalled to hear the about the proposed settlement in the private antitrust case. (http://www.siliconvalley.com/docs/news/svfront/ms121101.htm) It's chocking to hear that anyone can think you can limit a monopoly by allowing it to increase its market share. Sorry to address this subject in this letter. I'll just appeal to this court to make an objective and thoroughly considered ruling in this important matter.

MTC–00026864

From: Dan Atkinson
To: Microsoft ATR
Date: 1/27/02 2:50pm
Subject: Microsoft Anti-trust Lawsuit

Stop punishing Microsoft for being a leader in its'' industry, and conversely rewarding those competitors who fail to measure up or would like to succeed at Microsoft's expense. This has potentially disasterous consequences for the future of American business. Regards, Daniel J. Atkinson, D.D.S.

MTC–00026865

From: Bob Karr
To: Microsoft ATR
Date: 1/27/02 2:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I think it does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I think it does nothing to correct or redress their previous abuses. I think some of the definitions in Section VI could be better defined . For example:

I think that Definition K: Microsoft Middleware Product could specifically include Microsoft's .NET initiative, Microsoft Outlook and possibly Microsoft Office as Microsoft Middleware.

I think that Definition U: Windows Operating System Product could include the Microsoft Tablet PC and Windows CE.

Thank you.

Sincerely,

Robert Karr Spring Grove, IL

MTC–00026866

From: Cris Naugle
To: Microsoft ATR
Date: 1/27/02 2:48pm
Subject: don't drop the ball!

I spend ten hours a day working on computers and have done so for at least 15 years. I started working as a researcher in biotech and for the last 6 years I have been running a graphic design company and now we mainly design web sites.

I can honestly say the biggest disasters I have encountered resulted from a MicroSoft product. They release software with major problems, their applications leave gaps in security that have cost corporations billions, and they have done some very sneaky thing to discredit or sabotage another company's product:

1. When I was running an Animal Care and Use Committee at a Boston Cancer Institute, I was streamlining document handling. I used a document template included on Word for Windows. The document wouldn't print out correctly, I was almost fired because we almost missed our federal regulatory deadline -we had to call in outside contractors and consultants -the cause? MicroSoft Word required the use of a Mac font in their template... we used PC's and postscript printers, the Mac font caused a system crash. The fact they were using a Mac font in one of their templates may cause one to wonder where and how they got the template?

2. It was always a joke that there was a flight simulator inside MS Excel, rumor was that the MS programmers placed it there as a joke. But those of use using the software were seriously effected in those days of low RAM, committed by force to not use any other software if using Excel.

3. When the internet was young, it was a given that designers and programmers would create website that were cross-platform and cross-browser compatible -it was our lively-hod that our client's web sites could be viewed by everyone -then MS stepped in and tried to rewrite javascript if you opened a page in Explorer that contained this scripting -you crashed.

4. I was consulting at a dot com when the I LOVE YOU virus hit, we were designing a web site for NYU and running close to being over deadline. Then one morning every image file on every computer was erased. This cost the company millions of dollars and all the consultants were let go. This hurt real people and I can only extrapulate this over all the companies hit.

5. And what about the fund B Gates set up to provide scholarships for minorities and then said he couldn't find any who qualified!

I could go on for days here but seriously, a lot of good companies, Apple, Sun, IBM etc have been seriously hurt -good software destroyed and good companies gone only because an megomaniac wants to be the biggest not the best just the biggest. This is not the American Way.

Don't drop the ball here
Christine J Naugle
SpiralXdesing, Inc
5949–8 Carolina Beach Road
Wilmington, NC 28412
910–452–3304 (local)
866–774–7299 (toll free)
910–793–1137 (fax)
http://www.spiralxdesign.com
We Build Web-Esteem

MTC–00026867

From: HAL TUCK
To: Microsoft ATR
Date: 1/27/02 2:46pm
Subject: MICROSOFT ANTI-TRUST CASE

3213 Oakwood Boulevard S
Sarasota, FL 34237–6412
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think it's high time that this whole Microsoft antitrust matter was over and done with. The government has no place interfering in private business. This is why I'm pleased that the settlement that you reached with Microsoft will mean and end in sight for this mess.

I know that everyone will respect what Microsoft had put on the table in order to end this whole matter. I can only hope, as a Microsoft supporter, that elements of the agreement, like giving over its code and intellectual property rights to its competitors, will not prove too damaging to the company.

I, along with every other American who depends on Microsoft products in his daily life, want to see an end to this whole affair. Three years is far too long to wait for a final settlement and both sides have far more important issues to worry about.

Sincerely,

Harold Tuck

MTC–00026868

From: hdcallies@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:45pm
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,

Howard Callies 123 Spencer Rd N
Onalaska, WA 98570

MTC–00026869

From: Suzanne Taylor
To: Microsoft ATR
Date: 1/27/02 2:41pm
Subject: Microsoft Settlement

Ten Essential Consumer-Oriented Remedies

Any settlement or final judgment must include remedies that provide:

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ?crown jewel? provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Suzanne Taylor
Los Angeles, CA

MTC–00026870

From: FigWax
To: Microsoft ATR
Date: 1/27/02 2:48pm
Subject: Microsoft Settlement

Microsoft's competitors can't compete in the marketplace so they have to resort to barratry. The public doesn't suffer from Microsoft's savvy business practices.

The public actually benefits by having only one operating system.

MTC–00026871

From: Eric B Venet
To: Microsoft ATR
Date: 1/27/02 2:45pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed settlement in the Microsoft antitrust case. Before I begin, I would like to echo the ideas suggested at http://www.kegel.com/remedy/letter.html and http://www.codeweavers.com/jwhite/tunneywine.html.

My name is Eric B Venet, I am a second-semester junior at the University of Rhode Island, studying Computer Science. I am also an apprentice computer consultant for a small firm in Rockland, MA. In my academic, professional, and even private life I have certainly been somewhat of a victim of Microsoft's monopolistic tactics.

I feel that this settlement is not strong enough for three main reasons:

1. It does not protect the consumer from non-code-based monopolistic tactics.

2. It does not provide adequate access to the Windows APIs.

3. It does not allow for true competition.

1. One of the most hotly debated items of the past year was the rumor of the draconian licensing requirements in the then-upcoming Windows XP. While what eventually came to be was quite tame compared to what was being discussed, licenses are an issue that the settlement doesn't quite pinpoint and solve. Microsoft needs to be prevented from trapping the consumer in an unfair license that may force him or her to keep using Windows, and keep paying for it. For example, even with this settlement in place, Microsoft could update Windows so that all data is encrypted, and cannot be viewed without a licensed, up-to-date version of Windows. This would be a situation where a consumer would have to pay money just to get access to his or her files. While this is an extreme example, it is also one that I believe is unpreventable under the terms of the settlement.

2. As stated in the above-linked documents, a volunteer group could be barred from gaining access to API documentation, thus betraying the very nature of the antitrust findings. The importance of free and easy access to Windows APIs cannot be stressed, enough. Bugs or problems in the Windows code, itself, have caused many errors in the computers of clients that my firm deals with. The time spent repairing the damage done by Windows'' problems is time that is billed to the clients, costing them thousands of dollars each year. If the Windows APIs were more open, applications could be written to repair such damage automatically, or even avoid it in the first place. To be more clear, a monopoly is a bad thing, but a monopoly that deals in problematic products can be a fiscal and an emotional nightmare.

3. Drawing on what I've said in number 2, what is to prevent Microsoft from putting code into Windows to keep competitor's applications from running? There is a nigh-infamous rumor that there exists code in Windows to make Netscape Navigator, a competing product to Microsoft Internet Explorer, crash or perform improperly. While this has never been ''proven'', using Netscape on a PC with Windows is an exercise in futility and frustration, while Internet Explorer serves up the same web pages with little or no problems. To speak of things of more truth than rumor, Microsoft recently removed support for ''Plug Ins'' from its latest versions of Internet Explorer. This sent many developers scrambling to rewrite their software so it would still function. With Microsoft freely-able to do such things, there is harm to consumers, and also unjust harm to ''competing'' firms. As far as I understand, there is nothing in the proposed settlement that will truly be able to prevent Microsoft from these tactics, again. The source code to Windows must be monitored or known in such a way as to prevent malicious code from interfering with third party software.

To close, Microsoft is poised to extend its monopoly across many other facets of computerdom with its XBox video game console and its plans for .NET, a Framework for internet applications. Without a stronger settlement, the company's strangle-hold on software developers and consumers will grow even tighter. Computers are becoming integral in nearly all aspects of our everyday lives, and having one company with sole

control of software is a very dangerous prospect. The brashness of Microsoft's illegal and immoral tactics are becoming an unfortunate trend in the world of business, and frighteningly, this goes hand-in-hand with a trend of government looking the other way and sticking it to the citizenry while these modern-day robber barons grow richer and more powerful. I realize that the job of government is a daunting one, but it is one that entails maintaining a balance of equality between all people, and at the moment, the balance is visibly shifted towards big business. There is a chance, here to make a true difference and return the realm of computers to one of general advancement of the technology, not just the advancement plans of one close-minded corporation. I hope the right decisions are made. Thank you for your time, and thank you for doing a job that I'm sure many others lack the fortitude to do.

Sincerely,
Eric B Venet
xanthus@earthlink.net
3 Lambert St
Narragansett, RI 02882
401–782–0259

MTC–00026872

From: Johnny Chidiac
To: Microsoft ATR
Date: 1/27/02 2:49pm
Subject: Microsoft Settlement

Dear Sirs:

I wish to express my extreme displeasure with the proposed settlement between the Department of Justice and Microsoft over the antitrust violations of Microsoft. As a matter of court record, Microsoft has proven itself, throughout the proceedings of the case, to be exceptionally opportunistic and absurdly unethical on a number of levels. It should be obvious that Microsoft will stop at nothing in order to prevail in this case (or anywhere else, for that matter) and therefore, that any remedy short of splitting the company would do little to curtail their predatory and unethical business practices. Microsoft is the big bully on the block—the kid that grew up bigger and faster than the other kids—and it will keep on bullying until someone bigger and stronger puts a stop to it. Thank you for your time.

Sincerely,
John N. Chidiac

MTC–00026873

From: Marlin N Bracken
To: Microsoft ATR
Date: 1/27/02 2:49pm
Subject: Microsoft settlement

I truly believe the settlement is fair and adequate. Let Microsoft get on with their business so they can further the computer skills of us seniors at a price that is affordable.

MTC–00026874

From: Jewel H White
To: Microsoft ATR
Date: 1/27/02 2:53pm
Subject:
Subject: Microsoft Settlement

I feel that the settlement offered recently is sufficient and this case should be closed. Otherwise, all the citizens of the U.S. are going to be deprived of future equipment that could make our lives easier and much more pleasant.

Please don't let this continue—the ones that benefit will be the ones that are only trying to take a good company down.

Mrs. J.H. White

MTC–00026875

From: Bob Sprenger
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft Settlement

As a result of their monopoly, Microsoft is able to deliver a very poor quality product. For example in my own case the following have occurred.

1. About 5 years ago I installed Internet Explorer (a Microsoft program) and immediately my Netscape web browser stopped working. It was necessary to remove both Internet Explorer and Netscape browser and reinstall Netscape to get the browser to work. Microsoft would probably suggest User error or some such, however; a search of the internet indicated mine was not an isolated incident.

2. Installed Windows 3.1 and found there was no compression software in the program as advertised. It turns out Microsoft was forced to remove the compression software because they ''borrowed'' it from another company.

3. Recently installed Microsoft Windows 98 second edition. Unfortunately, more quality problems, Microsoft included an invalid code to activate the the Operating System. Three days later the vendor supplied me with the proper code. In this case the code was one digit short. Since this code obviously uses a complex algorithm I can understand generating the wrong code, but missing one entire digit is just plain sloppy and displays once again a don't give a damn attitude.

4. My current copy of win98 is painfully slow when performing line printing. Slower than DOS, WIN 3.1, WIN 95, or Linux. Suspect another quality problem, but not defined as yet.

5. Last week I installed Quicken Turbo Tax. My first unrecoverable error in that program pointed at Internet Explorer. (a Microsoft Program)

I would like to dump Microsoft, but they have forced virtually all the application vendors to use their OS to the exclusion of other Systems. The susceptibility of Microsoft software to rogue virus programs is well known. This is scary, particularly when Mr. Gates says he will make security his main emphasis. Frankly its, way, way late for this ''action''. I put these statements in the same category as his highly publicized charitable contributions—Public Relations WINDOW dressing. My understanding of the penalties assessed Microsoft because of the antitrust suit, were minuscule and will not inhibit their monopolistic operation. I believe the chances for real originality and creativity in the home computer industry has been greatly weakened. Sadly it looks like our Judiciary caved in and lost this one to Micro$oft. Sadly so did the people.

Robert C. Sprenger
1184 Via Mateo
San Jose, Ca 95120

MTC–00026876

From: Bill Mundy
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft Case

204 Southwest 24th Street
Blue Springs, MO 64015
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

My name is Bill Mundy. I am a resident of Blue Springs, Missouri. I am writing to register my support for the settlement agreement reached in the Microsoft case.

Microsoft has provided great products. If people don't like them, they have other choices. Apple, Linux and others. I remember pre-windows computers with everyone creating non compatible software. Think of the jobs Microsoft has created. Think of the changes Microsoft has brought to our world. The government didn't create these changes, private industry did. Don't stand in the way of progress.

Microsoft has agreed to alter a number of its present business practices so as to create additional opportunities for software developers, distributors and consumers. Under this settlement, consumers will be afforded immediate relief as a result of Microsoft's agreement to open the Windows operating systems to competition from non-Microsoft software providers.

I hope that the public sees the wisdom in implementing this agreement rather than continuing the case in Court. I hope your department does as well.

Thank you for your consideration.

Yours truly,
Bill Mundy

MTC–00026877

From: HAROLD TUCK
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft anti-trust case

3213 Oakwood Boulevard S
Sarasota, FL 34237–6412
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think it's high time that this whole Microsoft antitrust matter was over and done with. The government has no place interfering in private business. This is why I'm pleased that the settlement that you reached with Microsoft will mean an end in sight for this mess.

I know that everyone will respect what Microsoft had put on the table in order to end this whole matter. I can only hope, as a Microsoft supporter, that elements of the agreement, like giving over its code and intellectual property rights to its competitors, will not prove too damaging to the company.

I, along with every other American who depends on Microsoft products in his daily life, want to see an end to this whole affair.

Three years is far too long to wait for a final settlement and both sides have far more important issues to worry about.

Sincerely,

Harold Tuck

MTC–00026878

From: ted zaehringer
To: Microsoft ATR
Date: 1/27/02 2:55pm
Subject: Microsoft Settlement

forcing microsoft to gain marketshare is not much of a penalty no matter how you look at it.

this settlement sucks!

thanks.

ted.

MTC–00026879

From: Mark Miller
To: Microsoft ATR
Date: 1/27/02 2:57pm
Subject: Microsoft Settlement

Microsoft must be severely punished for it's arrogant monopolistic business tactics. In addition, Microsoft (practically) forces end-users to use most, if not all, of their applications by tying them (at times without choice) to their operating system. Break them up into three separate businesses:
Operating System
Desktop Applications
Internet Applications

Punish Microsoft in such a way as this which will encourage fair competition and innovation.

Regards,

Mark Miller

markm@swoon.net

MTC–00026880

From: Jan-Erik L(00E4)rka
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 2:57pm
Subject: Microsoft Settlement

Hi!

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. In other words, I applaud the efforts to seek stricter measures and encourage the efforts to broaden the market for the interest of the consumer. In my opinion a settlement at this point wouldn't benefit the consumers interests.

Sincerely,

Jan-Erik L?rka

Bergsj?

Sweden

MTC–00026881

From: Daniel Herbst
To: Microsoft ATR
Date: 1/27/02 2:59pm
Subject: microsoft settellment
January 27 2002
Public Comment: Civil Action No. 98–1232

As mentioned in the competitive impact statement. Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) avoid recurrence; and (3) undo its anticompetitive consequences. I believe that justice would not be served unless all three of these conditions are met in full.

How can the consequences of Microsoft's anticompetitive conduct be reversed without being forced to pay heavy fines? If Microsoft itself felt that even with its financial strengths and market position that it could not win the browser war without resorting to desperate tactics as stated by Christian Wildfeuer in February 1997 (MS7 004346) and by James Allchin on January 2 (MS7 005526) and by Paul Maritz on June 20 1996 (MS6 6010346), (MS6 6010347), then how could any competitor hope to breech the high berriers to entry into the same market with a fraction of Microsoft's resources? Unless Microsoft is forced to forfeit the riches it inappropriately acquired through unlawful business practice, the balance of a competitive market will not be achieved.

Microsoft has unjustly diminished and or destroyed economic growth of its competitors while at the same time reaping the benefits of this destruction. It is now publicly apparent that the vast and rapid growth of Microsoft was at the expense of both its corporate rivals and the paying public. A large part of any fines to be paid should be made payable to the Microsoft competitors that were most compromised to avoid creating inroads that would only serve to increase Microsoft market share. Take the market share that Apple computer enjoyed in the education sector before July 1994 compared to today as an example of compensation due.

An important point not mentioned in the Civil Action is the large financial ruin that the consumer himself/herself has had to absorb. Using myself as an example, I was forced to replace prematurely a sizable investment in computer hardware due to limited support and incompatibility issues. It is now apparent that Microsoft was at the forefront of these obstacles and responsible not only for the monetary loss, but also the personal ridicule and persecution I received for wanting to use an operating system other than Microsoft Windows. When Paul Maritz was quoted as saying we are going to cut off their air supply he should have realized that it would affect more than just his corporate rivals.

Daniel P. Herbst

MTC–00026882

From: thelitke@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:58pm
Subject: Microsoft Settlement

It is my opinion that the time has come to end this costly and damaging litigation.

MTC–00026883

From: William R. Fautch
To: Microsoft ATR
Date: 1/27/02 3:01pm
Subject: Fw: Microsoft settlement

-Original Message ——-
From: William R.Fautch
Sent: Sunday, January 27, 2002 11:47 AM
To: microsoft.atr@usdoj.gov
Subject: Microsoft settlement
17304 N. Shady Lane
Newman Lake, WA 99025
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
e-mail microsoft.atr@usdoj.gov

Dear Mr. Ashcroft:

There has recently been a settlement to the antitrust lawsuit between Microsoft and the Department of Justice. While I do not agree with the relentless pursuit of the Microsoft Corporation, I am happy to see that a settlement has been reached. The United States government needs to move on and worry about more important issues.

Microsoft will now be working much closer and communicating much more with their competitors. They will be giving their competitors code and other information that makes up the Windows operating system.

They will also be allowing their competitors to remove Microsoft-made software from Windows, and replace it with non-Microsoft software. Enough is enough.

Microsoft agreed to terms that extend well beyond what was issue in the initial suit, just for the sake of ending this senselessness. I support this settlement and would like to see it implemented as soon as possible.

Sincerely,

Margaret L. Fautch

MTC–00026884

From: H P
To: Microsoft ATR
Date: 1/27/02 3:00pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

Hetal Parikh

MTC–00026885

From: Wryjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:02pm
Subject: comment on the case

I totally disagree with the government's position regarding Microsoft. A close look at the history of this ''case'' indicates that this is nothing more than a group of unhappy competitors—-unable to develop a product as good as or as marketable as Windows and related programs—-whining to an administration that is all too happy to punish success in business (though, interestingly enough, they have no problem collecting Microsoft and other business'' taxes to redistribute to those who are less productive!).

Bill Gates should be congratulated, not persecuted, for contributing to our Country's immeasurable advances in technology and business brought about partly because of Microsoft's universally compatible and user-friendly platform.

I dare anyone who disagrees to stand by their position and immediately remove all

Microsoft products (including Windows!) from their PCs.

Thank You
Bob Yesbek
Director of Education
Omega Studios School
CC:drhurd@drhurd.com@inetgw

MTC–00026886

From: Tami Krebs
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

I resent that the government feels a need to defend me as if I am unable to choose software that is most useful for me. I do not think that the government has any right to choose what software should or should not be installed on my computer. I use Microsoft's products and I choose to use their products not because they are installed on my computer but because they are beneficial products. These products enable me to easily transfer information from one program (i.e Word, Excel) to another (i.e. PowerPoint, Access) without having to convert information, which makes me more efficient both at home and at work. Microsoft's programs are also compatible with my Palm, which is easy for me to take information from my calendar at work and my calendar at home to sync them up. Please note, I have decided to use the Palm operating system, not Microsoft CE. In no way has Microsoft ever made me use their products. I cannot believe that Microsoft, a successful business, and its products (Microsoft Office Suite among others) are a threat to anyone.

Please remember that this complaint stems from Microsoft's unsuccessful competitors not the the individuals who use the products. Unsuccessful businesses must not be allowed to set the rules for the markets in which they failed. Continued application of the antitrust laws against successful businessmen like Microsoft Chairman Bill Gates can only lead to corruption and economic disaster as shown in many other countries.

I believe the United States should embrace success not throttle it. The United States should also be a place where anyone who works hard and exhibits intelligent decision making has the freedom to become a self-made person, just like Bill Gates is. This is the United States that would make me proud to be an American. Lastly, and most importantly, Microsoft has a fundamental right to its property. It is the government's job is to protect this right, not to take it away. With this in mind, please consider all of these points in your decision regarding Microsoft.

Thank you.
Sincerely,
Tami Krebs
15 Mallard Court
Mechanicsburg, PA 17055
orion@epix.net

MTC–00026887

From: Jeffrey Y. Sue
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft anti-trust lawsuit does not go nearly far enough to curb the predatory anti-trust activities of Microsoft. When ATT and Standard Oil were brought to justice for anti-trust activities, both companies were broken apart with considerable restrictions on their actions. Microsoft should be broken apart into at least 4 companies: two competing operating system companies and at least two competing application companies. The competing operating system companies should truly compete by price, reliability and features, and should not be allowed to cooperate with each other. Similarly, the application companies should compete and not be allowed to cooperate. Microsoft has many tentacles, just as Standard Oil did, and some of these other products should be broken off into other companies, e.g., the internet provider MSN, hardware products such as mice, keyboards, and joysticks, the Microsoft television internet hardware, and the consumer game hardware, XBox. Unless Microsoft is broken up into competing companies, the American consumer, and competing American companies will all be losers, and ultimately, so will all Americans.

Jeffrey Y. Sue, MD
PO Box 25763
Honolulu HI 96825

MTC–00026889

From: Sean and Charlene McGrew
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am writing to you regarding Microsoft's Proposed Final Judgment as a concerned citizen. I urge you to critically examine the politics involved in this proposal, which sounds suspiciously and alarmingly lenient for a company that has been proven to be in violation of Antitrust laws. On numerous occasions Microsoft has abused its position as an illegal monopoly, adversely affecting several growing companies and thousands of Americans working to find their place in a competitive free-market. Antitrust laws were put in place to foster an environment of healthy competitiveness which would in turn further technology and stimulate the ecomomy. However, I do not believe that the PJF satisfactorily addresses Microsoft's violations in a way that this antitrust activity will be punished or come to an end. In fact, the PJF seems to be doing just the contrary, by conveying the message that their illegal activities are condoned, perhaps even encouraged. I am afraid of what might happen next to this freedom we have tried so hard to preserve if such an injustice is carried out and such a precedent set.

I trust that you will deal with this issue with wisdom and integrity so that justice will be served. Respectfully, Charlene Chen McGrew Sean and Charlene McGrew 4111 Walnut Street #608 Philadelphia, PA 19104 (215)349–6392

MTC–00026890

From: lesrose
To: Microsoft ATR
Date: 1/27/02 3:06pm
Subject: Micro Soft Settlement

Dear Attorney General Ashcroft:

I have been following this Micro Soft case since the government originally went after them and for the life of me can't see us continuing to spend tax dollars pursuing something that in my opinion should never have gone as far as it has. The other complaining Companies are doing well in the market place and I believer Micro Soft is being penalized unfairly for being too successful. Let's put an end to this and settle it the way it has been proposed and get along with other business that has some real meaning to our country like Terrorism, our Economy and a hundred other things that would make better use of our resources as a nation. I think you personally have done a great job since taking over your present position and I'' just urge you to concentrate on those things that have meaning for the majority of American and get this Micro Soft business behind us.

Thank your,
Les Bouzek
133 Highway D
Kaiser, Mo 650476

MTC–00026891

From: Darin O.
To: Microsoft ATR
Date: 1/27/02 3:07pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am opposed to the proposed Microsoft Antitrust settlement. The focus of the remedies should be to disgorge any and all additional monopolies created by Microsoft as a result of its illegal use of its OS monopoly, and prevent Microsoft from forming new monopolies (from the illegal use of its OS monopoly). The current settlement allows Microsoft to keep these new monopolies (especially the browser monopoly, a PIVOTAL Internet technology) and does not adequately protect the United States from the illegal use of the OS monopoly in the future.

Special attention must be given to this defendant. It has shown great contempt for all parties opposed to its monopolistic domination of the software market, this includes the judicial system. Microsoft has ignored past judicial orders from previous cases (i.e. the 1994 consent decree), lobbies the Legislative and Executive branches to step on the Judicial branch (and then misrepresents its lobbying efforts), and continues to develop products that extend its monopoly into other product categories.

The proposed Microsoft Antitrust settlement must be thrown out, and re-worked. The nation puts its trust in you to guide this process.

Yours Very Truly,
Darin H. Okuyama

MTC–00026892

From: Donald Kleyensteuber
To: Microsoft ATR
Date: 1/27/02 3:06pm
Subject: Microsoft Settlement

The settlement does nothing to resolve the main monopoly issue: Microsoft's unfair use of its monopoly to take over the market for browsers by including their browser in their operating system. Most computer users do not have the skills needed to make the browser they prefer work properly without interference from Microsoft's. Microsoft

should be required to remove their browser from the operating system and clean it up so that any browser may be used.

So far the government and the courts have done little or nothing to require meaningful corrective actions by Microsoft.

Donald Kleyensteuber
CC:Dan Gillmor

MTC–00026894

From: DJMaytag
To: Microsoft ATR
Date: 1/27/02 3:22pm
Subject: Microsoft Settlement

I would to state that as a result of Microsoft's monopolistic actions on the computer industry, one of the choices I had as a consumer for what I would like to have on the desktop of my computer, has effectively been removed by Microsoft's actions, namely in limiting access of any other operating system to be installed alongside any Windows operating system.

This limiting of choice to consumers has resulted in two areas which has hurt me as a consumer:

(1) I cannot go to any computer retailer and choose which operating system I would like in my computer. If I want to use another operating system on my desktop, I have to purchase either a computer with no operating system AT A HIGHER COST or assemble a computer from the various components which make a computer, also AT A HIGHER COST to me as a consumer.

(2) The restrictions have forced other companies out of business, ones which I could choose to use their products on my desktop. This is narrowing the options of operating systems available to me as a consumer, as more and more companies go out of business due to Microsoft putting up barriers to enty to anyone wishing to have an operating system product placed on a desktop computer.

I urge you to take action which will reverse the situation this I face as a consumer that is paying the price for Microsoft's monopolistic actions.

Mitch Anderson

MTC–00026896

From: Bj(00F6)rn S(00F6)derstr(00F6)m
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:17pm
Subject: Microsoft Settlement

Dear Attorney General,

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. In other words, I applaud your efforts to seek stricter measures and encourage you to stand your ground.

Sincerely,
Bj?rn S?derstr?m
?sterbybruk
Sweden

MTC–00026897

From: rvbeard@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:16pm
Subject: Microsoft Settlement

Dear Sirs:

Consumer interests has been well served and it is time to settle this costly and damaging litigation now. Please do not keep this going. It is the average person who is to be served and not big business. As an individual I think it is time to stop now.

Thank You,
Sincerly,
Richard Beard

MTC–00026899

From: Betsy Lehrfeld
To: Microsoft ATR
Date: 1/27/02 3:19pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Proposed Microsoft Settlement

Dear Ms. Hesse:

I write to object to the proposed settlement as not being in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

A solution to the Microsoft monopoly problem should be market based and self-enforcing. Any solution that requires constant policing and is perceived as punitive will only contribute to Microsoft's sense that it has been wronged and encourages a culture of evasion ? already evident in various recent Microsoft actions.

The answer is to take away Microsoft's ability to exercise monopoly power. To do this, the applications barrier to entry must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

Consumers need a la carte competition and choice so that they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

The court should hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Thank you for your attention.

Betsy E. Lehrfeld
7214 Blair Road, NW
Washington, DC 20012
(202) 882–6664

MTC–00026900

From: S. Gallagher
To: Microsoft ATR
Date: 1/27/02 3:12pm
Subject: Microsoft Settlement
January 27, 2002
Renata Hesse
Trail Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Email: microsoft.atr@usdoj.gov
Re: Microsoft Proposed Final Judgement Comment

Dear Sir or Madam,

Thank you for the opportunity to comment on the proposed Microsoft Final Judgement. My comments center around minor modifications to subsections III.A.2 and III.C.4 concerning original equipment manufactures (OEM) installation of alternative operating systems. Given the central importance of restoring competition for antitrust relief I believe that clarification of subsection III.A.2 and III.C.4 and an additional aspect of the extant OEM operating system license arrangement merit consideration. I hope that you will concur that these adjustments will enhance the possibility that competition may one day return to the present monopoly in the personal computer market.

A. Subsections III.A.2 and III.C.4 both refer to OEM's shipping personal computers with products in addition to Microsoft products or multiple operating systems. The language in these provisions would not prohibit Microsoft from retaliating if an OEM offered consumers a single alternative operating system. Given that a monopoly was found to exist and that the purpose of antitrust enforcement is the restoration of competition, shouldn't OEM's be able to offer consumers alternatives without fear of retaliation from the monopolist?

B. At present the OEM Windows Operating System license requires recourse to the OEM by a consumer if the consumer does not accept the terms of the licensing agreement. If consumers remove an OEM installed Windows Operating System product before using it they should be insured of recompense from either the OEM or Microsoft. Given that Section III.B requires the publishing of the royalty schedule for Windows Operating System Products it should be possible for consumers to know the exact cost of the OEM installed Windows Operating System and, as a result, their corresponding recompense if they chose not to accept the license. Given this information a consumer could make a rational choice between the OEM installed Windows Operating System and some other alternative operating system. Given that a monopoly was found to exist in the Personal Computer operating system market, it seems the Proposed Final Judgement should insure that customers are not needlessly charged for the

monopolist's product if they do not use it. As a customer, I should not have to buy a product I don't want. If I do not agree to Microsoft's licensing agreement language, my recourse should include them, not only the OEM.

Microsoft can make very good products, this comment is being created and transmitted using them. I applaud the efforts towards reaching an appropriate settlement.

Thank you for your time and the opportunity to comment.

Sincerely,
Scott Gallagher
3229 Taylor Spring Lane
Harrisonburg VA 22801

MTC–00026901

From: stbl45@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:22pm
Subject: settlement

Please settle this dispute and let's get on with life. Hasn't the economy suffered enough?

MTC–00026902

From: Lloyd E Wiles
To: Microsoft ATR
Date: 1/27/02 3:24pm
Subject: Microsoft Settlement

I believe in American Free Enterprise. If we out preform our competitors we should be able to reap the benefits of our hard work.

I feel the break up of the telephone company was a disservice to the American public as would be the breaking up Microsoft.

I think to further penalize Microsoft would a blow to free enterprise in America.

Please drop any further action.

Lloyd Wiles
34 Peavey Ave.
Windham Maine 04062

MTC–00026903

From: Andrew Pizzello
To: Microsoft ATR
Date: 1/27/02 3:24pm
Subject: Microsoft Settlement

To Whom it May Concern:

Microsoft has unlawfully used its monopoly power to greatly subdue the competition, causing damages to many companies including Apple Computer, Inc. and consumers worldwide. It is to my knowledge that Microsoft Corporation holds approximately 90% of the computer operating system market.

Naturally, consumers have a minuscule selection of products and services from Microsoft's competition when 90% of the personal computers purchased are sold preinstalled with Microsoft Windows and other Microsoft technologies such as Internet Explorer, MSN Internet Service, and MSN Messenger. Many beginners and new computer buyers will be unaware of other products and services available with the vast array of Microsoft products already installed on the computer for their 'convenience'.

Microsoft's acts are in violation of the Sherman Act. These anti competitive actions have caused great damages to innovative companies accepting the challenge to legally compete and base their successes on customer loyalty and quality. Many companies have incurred staggering losses due to Microsoft's negligent business practices. For example, Apple Computer, Inc. was financially handicapped by Microsoft's operating system monopolization between the years 1995–1998. After being criticized by industry veterans, Microsoft invested capital into Apple Computer in order to keep operations functional for the sake of hiding future allegations.

The fall of Apple Computer would have provided Microsoft, Inc. with 95% of the world's personal computer operating system market.

The overwhelming market share percentage is a strong indication of unfair business practices and violation of United States law. I am fully in support of any consequences Microsoft, Inc. should incur during the court proceedings. For the future of fair business practices, I ask that the U.S. Department of Justice prosecute Microsoft, Inc. within full accordance of the United States Constitution.

Sincerely,
Andrew Pizzello

MTC–00026904

From: Gabrielle Comfoltey
To: Microsoft ATR
Date: 1/27/02 3:27pm
Subject: Settle the Microsoft Case Please!!

Please settle the case against Microsoft for once and for all and let this company get back to doing what it does best—contribute to the world economy and its people.

The extent of damage that the DOJ's actions have had and will continue to have on technology innovation and American enterprise is totally out of proportion to the ''crime'' that Microsoft has been deemed to have committed.

Yes, Microsoft used aggressive tactics to secure its business. So to do a multitude of other large corporations.

Microsoft is one of the most successful companies to be built EVER! It has provided thousands and thousands of jobs and created untold wealth not only for its owners and employees but also for the millions of shareholders.

Thanks to the continuing vendetta against the company by the DOJ and the nine states and their lawsuits, millions of dollars in pension funds and senior's investment accounts have been lost.

ENOUGH IS ENOUGH.

I believe that the DOJ is taking too much control into its own hands. The government should not be trying to control business to the extent that is.

After Microsoft, who will be next? In many respects I think that the various government lawyers need to continually justify their existence. As I stated in a previous email, fighting a battle in the courtrooms and boardrooms against successful companies is not what I consider to be the primary role of our judicial system. Microsoft, and its founders Bill Gates and Paul Allen, through their phenomenal success have been able to give incredibly generous public gifts to the schools, the arts, health organizations, etc. Why is the government so intent on destroying the creative initiative of our most brilliant entrepreneurs. Surely Scott McNeely and Larry Ellison when they spearheaded this rout of Microsoft didn't have in mind that the entire industry should be turned on its head.

This government, and indeed the nation, has its priorities wrong. There are a multitude of SERIOUS issues facing our nation and what do we have taking up huge amounts of time and money?

I am sure it is easier and more lucrative for the lawyers and politicians to spend countless hours and taxpayer dollars on meetings, high priced hotel and board rooms, expensive retainers and offices, etc etc than on the real but not so ''tidy'' issues that plague America. If the governments and their agencies would spend half the time and energy on the less glamorous issues just think what could be accomplished. Where do I think government dollars should be directed: Here are a few suggestions:

Housing for the ill, homeless and future boomers who will not be able to find accommodation as they approach the next decade.

Adequate health care for everyone.

Repair and replacement of the infrastructure in our cities and towns. Neglect of the basic infrastructure—the roads, freeways, sewer, water and power conduits—will result in a breakdown of many systems if these are not dealt with on a proactive basis.

Repair of our schools and school systems. Our children and teachers are being shortchanged. We do not need government intervention in the education curriculum as much as we need government support to provide healthy, safe, properly equipped classrooms and support for better teachers.

Fix the unequitable system of justice wherein we have first time offenders and youthful offenders incarcerated with hardened criminals.

And, of course, use the government's resources to continue the fight against terrorism, both external and domestic, and work with our nation's largest companies rather than against them.

I could go on, but you get the picture.

—SHOULD HAVE THE COURAGE TO MAKE SOME SENSE OF THIS MICROSOFT CASE. DO NOT THROW OUT THE BABY WITH THE BATHWATER. LEAVE MICROSOFT ALONE AND GET ON WITH TAKING CARE OF THE REAL NEEDS OF THE NATION!

MTC–00026905

From: Bobbie Bamford
To: Microsoft ATR
Date: 1/27/02 3:28pm
Subject: MICROSOFT SETTLEMENT

TO THE JUSTICE DEPARTMENT. . . . .

DO YOU KNOW WHAT JUSTICE MEANS??? DO YOU REALLY BELIEVE YOU ARE BEING FAIR TO MICROSOFT REGARDING THIS SETTLEMENT? THIS IS ''SUPPOSED'' TO BE A ''FREE'' COUNTRY—THE LAND OF OPPORTUNITY??!! MICROSOFT HAS DONE WONDERS FOR OUR ECONOMY, WHICH NEEDS ANOTHER ''BOOST'' RIGHT NOW. YOU ''BIG-WIGS'' AND OUR GOVERNMENT HAVE NO IDEA WHAT A TOUGH TIME THE MIDDLE CLASS AMERICAN IS HAVING RIGHT NOW

NOR DO I THINK ANY OF YOU CARE! YOU HAVE THE COUNTRY BY A TAIL WHILE YOUNG COUPLES WITH FAMILIES CANNOT MAKE ENDS MEET BECAUSE WE ARE TAXED TO DEATH.

I THINK WASHINGTON DC HAS ENOUGH TO DO WITH OUR TERRORIST SITUATION AND THE THEIVES OF ENRON WITHOUT WORRYING ABOUT MICROSOFT.

SINCERELY,
BOBBIE BAMFORD
ARIZONA

MTC–00026907

From: Frank Zepf
To: Microsoft ATR
Date: 1/27/02 3:30pm
Subject: Microsoft Settlement

I wish to express my opinion on the Microsoft Settlement,I feel that it is fair to all parties concerned.

Many of Microsoft's competitors oppose the agreement for their own good and are trying to generate public comment urging that it be rejected.

Microsoft has a good product and if someone does not like it let them buy something else.

If some does not like the Internet Explorer you can download Netscape for free.

Thank you,
Frank V. Zepf
52 Pennsylvania Ave.
Massapequa,NY 11758–4838
Phone 516–798 0353

MTC–00026908

From: Grubert
To: Microsoft ATR
Date: 1/27/02 3:29pm
Subject: Microsoft Settlement.

We are opposed to the Micosoft Settlement because it has insufficient guarantees that Microsoft will not continue to use it's desktop monopoly to damage competition.

Please consider that Microsofts programming API's are the computing equivalent of legal contracts, and must be consistant and stable in order for competition to be meaningful. It would be wise to find some way to ensure that Microsoft does not use changes in it's API only to trip up competitors products by changing behaviours in the undefined areas of this technical contract.

A contract must be clear, sufficiently complete and retain it's meaning over time. So should a published API spec by a monopolist.

Given that the API is now the playing field of software product competition, the API is an area that needs to be regulated.

In addition, OEM licences for MS products should be the same, i.e., MS should not be able to favor one OEM vendor over another as this allows them to punish OEMs for offering competing products.

Thank You
G.R. Svenddal
Gromit Consulting
Minneapolis MN.

MTC–00026909

From: Allen Tien
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Microsoft Settlement

The problems with MS reflect larger and very important issues on a national and international scale. What is the role of government in regulating huge multinational corDorati0ns? Why is there a growing pattern of manipulation and a widening gap between what corporations say and what they do? The recent emergence of unethical and probably illegal behavior at Enron and Anderson is only the latest of a number of known cases. There are certainly many more questionable but not publicly questioned situations. In the case of Microsoft, their pattern of disingenuous statements, distortions, and outright lies appears to be based upon their assumption that the average user does not understand information technology and the market dynamics of information technology, and that lawmakers and judges also don't understand. That pattern has been present since early in Microsoft's history. Most recently, they have added more ''standard'' American business practice, making large cash contributions to politicians, and hiring teams of lobbyists.

One of their main themes is that they are always doing whatever they do for the ''benefit of the customer.'' They repeatedly make statements about innovation and competition and serving the interests of customers, but these statements fly in the face of their own history. They imply that customers are those who accept Microsoft big brother version of reality, and label others as frustrated competitors who resort to legal attacks rather than innovation, or the ''cancer'' of open source software such as Linux (which they cannot control or co-opt). Depending upon the specific context, at times the degree of hypocrisy seems to approach delusion. Microsoft has not been averse to using legal tactics, threats, and lawsuits to try to achieve their goal of complete domination.

Meanwhile, they continue to design their products and product strategies to create dependencies, using their control of the desktop operating system to undermine competing applications such as WordPerfect. For most users, there is not much difference between Word, Wordperfect, Ami Pro, or other word processing packages, spreadsheets, or presentation slide system. Why is then is Microsoft Office's market share so large?

In the same way Microsoft crushed Netscape they crushed WordPerfect, which at one time had similar market share as Netscape. Microsoft Office was pushed onto users using the same or similar tactics that were used to push IE onto users. Now that Microsoft has a monopoly not only with the operating system but with Office, they continue to manipulate users through technical issues such as file formats. For example, the default installation of Microsoft Office does not include the import filters for WordPerfect files. It is not unusual for Word users who receive a WP file to think that the file is damaged or incompatible because when they try to open a WP file, Word will generate a message that suggests something is wrong. Even if the user understands that it is easy for Word to import a WP file if the import filter is installed, they may not have convenient access to the Office CD to install the filter. These relatively small maneuvers nevertheless add up to continued pressure on users to use Office, further cementing this application stranglehold, while Microsoft might still claim that they ''fully support'' interoperability with other applications.

As person who bought his first PC in 1986 and has used different version of DOS, Windows, Mac, and Unix-based operating systems, and who has been involved with software development for many years, I have observed Microsoft's business practices from a technically intimate perspective. I have seen first hand phenomena such as Windows 3.1 generating an error with Digital Research DOS (DR-DOC). It seemed like sabotage then, and subsequent evidence indicates that it was in fact deliberate. I used disk compression utilities from a company that was subsequently put out of business by Microsoft's continuing ''integration.'' I recall the out-of-court settlement where Microsoft paid over $100 million to Stac, a disk compression vendor that had first worked with Microsoft and was then dumped by Microsoft. After dumping Stac, Microsoft released their own disk compression bundled with DOS, essentially taking away the market from Stac. It was technologically clear that Microsoft had stolen Stac's intellectual property, but because the settlement was out-of-court, they never admitted any wrong-doing. One wonders if Bill Gates or Steve Allen or other at Microsoft really think they did anything wrong or not.

After Windows version 1 and 2, Windows 3.11 was finally usable, and did offer useful functionality. At that time Word Perfect was, arguably, the best word processing application available. Why then did every computer come with Microsoft Word? It was an inferior product for many years. It seems that it was because of Microsoft's bundling and pricing manipulations of PC manufacturers and distributers. It was not due to market demand, at that time. Microsoft understands very well the dynamics of market choice, and the pressures placed on customers when an increasing number of people use their products. Why did they change file formats with each new version of Word? They claim it was for technical reasons, but in typical Microsoft fashion, that claim is misleading. There may have some minor technical reasons, but the larger and obvious reason is to shift the dynamics in their favor. Why do they currently not provide conversion filters for Wordperfect as the default installation? As a person who continues to use Wordperfect, when I send files to colleagues, many of them are unable to import the files into Word, and because they do not understand the inner workings of Word and Microsoft's compulsion for market dominance, they tell me things like ''Your file was bad,'' or ''Word cannot import the file.'' Of course it is easy to install the import filter (if one can find the Windows CD). But for many people, this creates a significant barrier. This is one of the many ways that Microsoft uses their illegal monopoly to leverage even greater market share and to create false impressions that other software is inferior or incompatible.

Using revenue from their monopoly to give away products to destroy competing

companies, such as Netscape, is an obvious example. Outright sabotage is perhaps a thing of the past. However, even recently they have been found by Kodak to have configured Windows XP in a manner to undermine Kodak and foster Microsoft products. Again, this is behavior that emerges in numerous ways, relentlessly using their monopoly in every possible way to expand their market range and control. Their fervent claims to be doing all this entirely for the customer border upon delusion. Surely all companies are trying their best to provide customers with great products. It just happens that one of them controls the core technology, the operating system, that other applications all depend upon. Their use of this was found to be illegal, and the appeals court affirmed this. Unfortunately, the decision to split the operating system and application parts of Microsoft into two companies, which is the only full remedy, has been reversed. It needs to be reinstated. Why is this the only remedy that will be effective? Why should be government and the courts undertake this draconian step? Why shouldn't we just ''let the market decide?'' There are many complex legal arguments, but I believe the main issue is simple. The antitrust law that is currently in place was based upon consideration of the role of government with respect to unfettered growth in the late 1800's and early 1900's of large corporations such as Standard Oil. This was a period that could be characterized as robber capitalism, where anything goes. It resulted in the establishment of industrial systems that provided consumers with good things. But it also concentrated power into the hands of a relatively small group. The relentless nature of power was recognized by our founding father, hence the checks and balances that are a fundamental part of our society. It is important that the balance of power be maintained. It is a serious issue for our future. If the distribution of power is no longer balanced, we risk adverse and even destructive consequences. Microsoft has been successful in lowering costs relative to early monopolies such as IBM, and being part of the rapid growth of personal computers (they claim they are responsible for this, but it is not hard to imagine that the demand was there and they rode the wave, rather than creating it). But the thinking and tactics they used to gain dominance were destructive to other companies and to customer choice all along, and now that they have even more power, all the evidence suggests that they will continue to use it in the same manner.

As another example of their thinking, it is now apparent that Microsoft considers open source software such as Linux, Apache, and other software to be a threat to their market control. They have called open source software a ''cancer.'' At they same time they make statements about the importance of being allowed to compete without restrictions. It would be fine and wonderful if Microsoft was to use their huge resources to compete on the basis of really improving their products. It is not fine and wonderful that they be allowed to continue using their monopoly to manipulate and force customers to use their products.

We use Microsoft Windows as our development and implementation platform. With Windows 2000 and XP, it has finally become a reasonably stable and effective operating system. However, I do not use Microsoft Office, Explorer, Microsoft development tools, Outlook, or other Microsoft products and tools. There are alternate products and tools that are not only equal but superior to Microsoft products and tools. However, each incremental step the Microsoft takes appears to be designed to increase the pressure to use Microsoft products and tools. We do not want to be forced to do so.

To provide some personal background, I am a licensed physician and Board Certified psychiatrist who also has a Master's degree in biostatstics. I was a tenure track faculty member at the Johns Hopkins School of Public Health with a joint appointment in the Johns Hopkins School of Medicine from 1988 to 1997. Since then I have been engaged as the President of Medical Decision Logic, Inc., a small medical and public health software company. Hence I consider the Microsoft situation from several perspectives, as an experienced user, a software designer and developer, from broader social and cultural perspectives, and from a psychiatric understanding.

Based upon Microsoft's long-standing pattern of behavior and relentless drive to greater market power, heedless of ethical and most recently legal rules, I conclude that the only remedy that can prevent continuation of the same behavior is a structural remedy that separates and frees Microsoft divisions to compete fairly in their markets. Simply put, the operating system group will be free to support all applications without engaging in discouragements and subtle sabotage for competing applications, and the application group will be free to create applications for all platforms, including Linux platforms. This would result in even greater contributions to the market and better choices for customers.

Any remedy or settlement that is not structural is unlikely to be effective, because otherwise Microsoft will continue to be Microsoft, a highly aggressive, unethical, and illegal monopoly that does not respect the government, the courts, or anyone who disagrees with them.

Allen Y. Tien, MD, MHS
President and Research Director
Medical Decision Logic, Inc.
724 Dulaney Valley Road
Towson, MD 21204
&
Clinical Associate Professor
West Virginia University School of Medicine
Department of Behavioral Medicine and Psychiatry
West Virginia University
Morgantown, WV
web site address: www.md-logic.com or www.mdlogix.com
tel: 410–828–8948, 410–821–5618
fax: 410–828–8948

MTC–00026910

From: Colin Chicoine
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Re: Applelinks—The MACINTOSH Portal!

I will excuse my self for my english witting skills.

I would like to take this moment to ask the US justice department to break apart MICROSOFT as much as you legally can so no one software company can ever regain control of the market. I as a consumer do not like to be told what to buy. but for the last 10 years the only operation system available to the home market was Microsoft windows.

Just recently are we seeing other operating systems more available to the public thanks to the publicised Microsoft anti trust case. New applications for the ''other'' operating systems are making there way to the market but still Microsoft buys off bright ideas and keeps them excluesif for the Microsoft Operating system. Take for example Halo from Bungie Software. This was and is a revolutionary action game that was developed for Apple Macintosh computers. This was going to give a tremendous boost to the Macintosh operating system. But not to long ago Microsoft bought off Bungie. Now with no guarantees for a Macintosh release I just pray! I also would like to mention that Microsoft should be forced to follow the internet, video, mp3 standards and ban Microsoft the development of such new standards without the aprouval of the software developping community.

Make Microsoft pay for there abusive practices because if you don't they will be stronger.

Colin Chicoine
Canada, Quebec

MTC–00026911

From: Donald Lee
To: Microsoft ATR
Date: 1/27/02 3:33pm
Subject: January 27, 2002

January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to voice my support for the settlement of the Microsoft case. It is high time that this case comes to an end. This case is an embarrassment to American business, as Microsoft has merely adopted an aggressive business strategy and created products that gave them an edge in the market. This is what business is all about, but now Microsoft is forced to defend their success and change their entire way of doing things.

As part of the settlement, Microsoft is going to give away their source codes and server protocol, even though it should be protected as part of their own intellectual property.

But they are willing to give up a lot so that this lawsuit can be ended as soon as possible.

Please do your part and see that Microsoft is not further punished for transforming our computer industry into an international model of success. Please accept this settlement, it is the right thing for our struggling economy.

Sincerely,
Donald H. Lee
Ann R. Lee

MTC–00026912

From: cjbells
To: Microsoft ATR
Date: 1/27/02 3:33pm
Subject: Microsoft Settlement
12134 SE 13th Street
Bellevue, WA 98005
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As someone who has not supported the harsh direction of the government's anti-trust lawsuit against Microsoft Corporation, I would like to add my approval of the pending legal settlement. This is a realistic compromise that should please all parties involved and halts the ongoing waste of taxpayer dollars that would be better spent on our terrorism effort.

With this fairly negotiated agreement, both sides have pledged to several significant steps that will encourage competition in the software market. Software developers will receive access to Microsoft technologies and be able to license its intellectual property, while enjoying the increased flexibility of computer makers to select the software programs of their choice. The continuing verification provided by a technical committee of software experts should make this plan quite productive when implemented.

As our economy struggles to rebound from a weak stock market and ongoing recession, it seems like a measured solution would be the best one to this dispute at this point. Please accept these very balanced terms and allow the new economy to stabilize and grow without further disruption.

Sincerely,
Clyde Bell

MTC–00026913

From: Aedis
To: Microsoft ATR
Date: 1/27/02 3:36pm
Subject: Microsoft Settlement

I am writing to voice my dissatisfaction with the following elements of the proposed final settlement (PFJ) reached with Microsoft:

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 defines ''API'' in a way that allows for exploitation by Microsoft.

The PFJ defines ''Microsoft Middleware'' in a way that allows for exploitation by Microsoft.

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 defines ''Windows'' in a way that excludes many applicable Windows-based products.

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, which is unacceptable for many reasons including:

1. Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows.

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

3. 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, which is unacceptable for many reasons including the following:

1. 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 respectfully insist that this settlement be rewritten to correct these issues. The corrective measures I support can be found at http://www.kegel.com/remedy/remedy2.html.

Thank you for your time and consideration.

Sincerely,
Brian Schallhammer

MTC–00026914

From: KERNLHANDY@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:36pm
Subject: Microsoft Antitrust Case
Renata B. Hesse
Antitrust Division
US Dept of Justice
601 D St NW
Suite 1200
Washington, D. C. 20530–0001

Dear Ms Hesse,

I am deeply disturbed that the Department of Justice (DOJ) has moved to settle with Microsoft (MS) in a manner that leaves consumers and professionals subjugated to dictatorial business practices. I have a quarter century of experience in logistics and as a marketing/communications consultant. In these roles, I've observed how monopolistic MS information technology (IT) inhibits productivity. As a proposal developer working on numerous bids with IT companies for commercial and government contracts, I hear frequent complaints from clients and co-workers about the limitations of MS systems and software and their lack of compatibility and interoperability.

The well-documented MS shortcomings are costly and prevent hardware and software competition that could speed innovations and IT accessibility to more consumers around the world.

During my career on active duty and in the reserves with the U. S. Air Force our government passed competition legislation to resolve problem problems such as the $600 hammer and $1000 aircraft toilet seat that gained such media notoriety in the 1980s. Similarly, any resolution of the MS case that does not maximize competition and consumer choice is not in the best public interest.

At it's most basic level, any resolution of the MS anti-trust case must provide complete information needed for software developers to:

1. Write an affordable and complete Windows Application Environment so Windows applications run on other operating systems without modification;

2. Create products that exhange files, data, and services with any MS product;

3. Replace components in Windows, Office, and Internet Explorer with superior or special purpose components; and

4. Modify MS software to run properly on computers wtih different microprocessors.

Without these settlement provisions, consumers working with the 70,000 MS Windows applications will continue to face unnecessary costs, limited choices, operational complexity, and reliability problems.

Enforcement provisions in the proposed settlement are also inadequate and virtually assure the monopolistic MS grip will continue to stifle competition, creativity, and cost-effectiveness. Since the Tunney Act allows for public proceedings, the DOJ should annouce such sessions at the earliest opportunity to allow consumers to show that an adequate settlement must encompass much more than the current proposition.

Sincerely,
Redmond H. Handy
President, Government and Business Consulting
1400 16th St NW
Suite 330
Washington, D. C. 20036
202–462–8800

MTC–00026915

From: jrshears
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Microsoft Settlement
Dear Sirs:
We believe that the litigation against Microsoft has gone on too long. It is time to settle without further litigation. We believe the consumer's interest has been well served, and Microsoft is being penalized plenty with the current settlement proposal. Please ... settle and let Microsoft get on with its business!!!
Sincerely yours,
Jacquelline Z. and Leslie R. Shears
1676 Pinecrest Drive
Orange Park, FL 32003

MTC–00026916

From: Peter
To: Microsoft ATR
Date: 1/27/02 3:39pm
Subject: Settlement
Sirs,
The settlement needs to be as strong as possible to control the monopoly's practices that inhibit the growth of competition in many technology fields.
Peter J. McMenamin

MTC–00026917

From: Benjamin Hays
To: Microsoft ATR
Date: 1/27/02 3:39pm
Subject: Microsoft Settlement.
To whom it may concern;
I have been a user of Microsoft products for the last 8 years. I have used their products by my own choice, not by coerison or force. And if Microsoft gets broken up, I will lose that choice.
By puting any restrains on Microsoft's business, the quailty of their products (i.e. Windows, Office, Internet Explorer) will decrease. That quailty will not decrease due to a faulty busines idea, or marketplace competition, but because of the involment of the government.
We, the people, will make our own choices. And we, the people, will choose, though our own pocketbooks, to keep Microsoft in business, or if they should go bankrupt.
Sincerly,
Benjamin Hays

MTC–00026918

From: GSmith1152@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:42pm
Subject: Microsoft Settlement
To the Department of Justice:
I am 51 year old nanny housekeeper contacting you to support the Microsoft settlement now under review. Enough litigation! It serves none of us in a positive way. It seems that the settlement reached is in everyone's best interest.
AOL has had, and continues to have, other avenues to use in pursuit of solving their disagreements with Microsoft. Litigation costs the taxpayers.
Enough!
Sincerely,
Gina Ryken

MTC–00026919

From: john anderson
To: Microsoft ATR
Date: 1/27/02 3:41pm
Subject: Microsoft Settlement
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
The three-year-long process of filing suit against Microsoft is about to come to a close. I am concerned about the impact on the USA economy and the industry in particular considering the time and money wasted in litigation. In my opinion, any further litigation is sponsored by competition of Microsoft. The holdouts clearly hope to prolong settlement as a weapon against innovation and of little cost to them.
Microsoft has agreed to a long list of terms, some of which were not even issues in the original lawsuit.
Microsoft agreed to computer-making flexibility, meaning that Microsoft agreed to grant computer makers new rights to configure Windows as they see most fit for their customers, even if they end up including non-Microsoft software. Computer makers will also be free to remove the pathways by which consumers get to various features of Windows (like Explorer), and replace them with different paths for different programs. Having used Microsoft products at home and at work some of the products being demanded by competition through litigation are totally stupid wasted efforts as the market is nil.
Obviously, Microsoft was and is willing to do what was necessary to bring this matter to a close, and the Department of Justice should follow suit, so to speak. The settlement should stand as it is and there should be no more litigation.
Sincerely,
John Anderson
13526–118 Ave NE
Kirkland, Washington 98034

MTC–00026921

From: Peter DeVries
To: Microsoft ATR
Date: 1/27/02 3:45pm
Subject: Microsoft Settlement
It is my opinion that the proposed Microsoft Settlement is not severe enough to adequately punish Microsoft for it's previous actions, nor does the recommended oversight prevent the company from continuing to abuse it's monopoly power to the detriment of US consumers.
Sincerely,
Peter DeVries
Network Operations Manager
UW-Madison Medical School
Email: pdevries@med.wisc.edu

MTC–00026922

From: Terry Stuart
To: Microsoft ATR
Date: 1/27/02 3:46pm
Subject: Microsoft Settlement
I am a small business owner/operator and I have long been concerned about the Microsoft monopoly. I use their products daily, they work well and I am happy to pay for them, but I am afraid that they are getting a stronger and stronger stranglehold on the software market. They are a slippery bunch! I don't want to live with the consequences of their monopoly. I just learned about the work of Consumers for Computing Choice and support it 100%. Please incorporate these remedies in your final judgment regarding the company:
(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.
(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.
(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.
(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.
(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.
(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.
(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.
(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.
(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.
(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.
Sincerely,
Terry Stuart

MTC–00026923

From: iTypical Male
To: Microsoft ATR
Date: 1/27/02 3:47pm
Subject: Microsoft Settlement
The settlement is a slap on the wrist joke. One of the few things Microsoft doesn't monopolize in is education. And weith the

proposed education settlement, it opens the door for them to. Isn't that just what you don't want to do?

The settlement is a joke. Had it been a less powerful company, something more drastic would have occured. But it didn't. Do something real punish them.

-William Done

MTC–00026924

From: Pantelic, Milan MD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 3:50pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I will not recapitulate the arguments your have (no doubt) received to date on the inadequacy of the proposed Antitrust settlement with Microsoft—I would simply like to add my voice to the chorus.That Microsoft has indulged in anti-competitive business practices is of no doubt—shamelessly and unapologetically, at that.None of what has transpired has changed the corporate culture in which this behavior is ingrained. The illegal practices of which Microsoft has been deemed guilty are the merely the tip of the technological iceberg, as this company attempts to make every open standard its own by leveraging its monopolistic power and enormous financial resources.The current settlement proposal adequately addresses neither remediation nor punishment. Please do not allow Microsoft to evade the spirit of Justice by providing software and computers in lieu of a direct monetary penalty— this has the effect of more firmly seating the hook in the mouth of their prey, not to mention giving them greater access into the educational market, one of the few arenas that they do not already dominate!I frankly doubt the adequacy of the settlement amount (even if paid in cash) to punish a company of Microsoft's size. To do it in the fashion proposed is simply to punish the fox by giving him the key to another henhouse.As a medical and computer professional who is interested in maintaining and fostering innovation, wide access and open standards, I deplore the conduct of this company and fear for the industry's future if this kind of behavior is not controlled.

Milan V. Pantelic, MD
Henry Ford Hospital
2799 W Grand Blvd
Detroit, MI 48202
(313) 916–2825

MTC–00026926

From: Tom Peck
To: Microsoft ATR
Date: 1/27/02 3:50pm
Subject: Microsoft Settlement

I am opposed to the settlement reached between the Dept. of Justice and Microsoft for the anti-trust case against Microsoft.

This settlement allows Microsoft to continue its anti-competitive practices. As shown in the trial, and upheld by several appeals, Microsoft has abused its monopoly to damage third party software developers. This abuse has affected not only those developers, but consumers as well, by limiting choice in the software market and allowing Microsoft to charge artificially inflated prices for their software.

Specifically, the wording of the settlement allows Microsoft to continue its anti-competitive behavior against free, or open source, software. The careful wording of the settlement only requires Microsoft to disclose APIs to other businesses. A developer of a free or shareware application is excluded from this information.

Microsoft should be required to divulge ALL information about their APIs to anyone who asks for it. This documentation could easily be put on Microsoft's web site at very little cost to Microsoft. An independent review panel would insure that information is updated in a timely fashion and that the information is correct.

Thank you.

MTC–00026927

From: Michdebhol@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement

I am against the proposal.The proposed settlement is not in my interest. Deborah Hollings

Columbia, South Carolina

MTC–00026928

From: Ken Kennedy
To: Microsoft ATR
Date: 1/27/02 3:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to comment on the proposed settlement of the US vs. Microsoft antitrust case.

I believe that there are many significant failures in the proposed settlement.

In general, I believe that it fails to —significantly— punish Microsoft in any way. The Findings of Fact are clear, and the Court of Appeals affirmed that Microsoft is liable under Sherman Act 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.

I do not believe the the proposed settlement makes sense in a such a situation. Microsoft was WRONG; Microsoft BROKE THE LAW, and therefore...Microsoft gets to negotiate terms they find acceptable?

This flies in the face of justice.

More specifically, I object to portions of section III, as they relate to API disclosure. Microsoft has already removed all business competitors (in some cases, using the aforementioned illegal tactics), leaving only volunteer projects and open-source software as viable alternatives. However Section III.J.2 would allow Microsoft to refuse to provide information due to failure to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''.

Open Source and Free Software is precisely NOT a business in and of itself, and could therefore easily be prevented by Microsoft from obtaining this information. However, these same Open Source and Free Software projects and volunteer groups are providing the best and most aggressive competition for Microsoft that exists presently.

It would be tragic for the government to allow Microsoft to use this proposed ''remedy'' as a weapon against the sort of competition that it is supposed to enable.

I appreciate your time in reviewing my comments.

Sincerely,
Ken Kennedy
425 Lindbergh Dr NE, Unit D-2
Atlanta, GA 30305
404–262–6439

MTC–00026929

From: Kenneth Townsend
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement

Microsoft through out the years has provided software and support for the business world. The competitors do not provide a product of equal value to the computing world. Please do not punnish a company for producing a superior product.

Kenneth Townsend
ktownsend@juno.com

MTC–00026930

From: Carlton Thiele
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement
10148 Reagan Dairy Trail
Bradenton, FL 34212
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to express my opinion about the antitrust settlement that has recently been made between Microsoft and the Department of Justice. Microsoft has agreed to terms that extend well beyond the products and procedures that were at issue in the suit, for the sake of wrapping up the issue. It is obvious that Microsoft has clone more than what was necessary on their part and the DOJ should follow suit. Not only has Microsoft provided businesses and homes with excellent products and service over the years they have also donated millions to charity and provided thousands of jobs. They should be allowed to continue on with business as usual.

The terms that Microsoft has agreed to are more than fair, and all litigation against Microsoft should be put to a stop. Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. In relation to this, Microsoft has also agreed not to retaliate against any designers and producers of software and hardware that competes with Windows.

It is clear that this issue needs to come to a close. Not only are the litigations wasting millions in tax dollars, but also it is affecting the IT industry and the economy.

Sincerely,
Carlton Thiele

MTC–00026931

From: Howell, William (MD)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 3:53pm
Subject: Microsft Judgement

Allowing Microsoft to link the IE browser to their OS and to enforce this with business practice pressure has undermined alternative browser development and stunted the growth of Java as a cross-platform language.

Educational grants as the punishment for such behavour merely helps establish the monopoly more.

I have just been informed by my ISP that my internet access by default will be via MSN.com.

MTC–00026932

From: Jerald Mara
To: Microsoft Settlement U.S. Department of Justice
Date: 1/27/02 3:53pm
Subject: Microsoft Settlement
Jerald Mara
847 N. Jerico Dr.
Casselberry, FL 32707
January 27, 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,
Jerry Mara

MTC–00026933

From: John Gibson
To: Microsoft ATR
Date: 1/27/02 3:56pm
Subject: Microsoft settlement

Dear Sirs and Madames,

I am writing to express my opposition to the Proposed Final Judgment (PFJ) for the Microsoft antitrust case. Not only is the PFJ far too weak, but it has no effective enforcement mechanism to assure Microsoft follows even its weak restrictions. Moreover, Microsoft has a well-documented history of creatively exploiting loopholes and prolonging litigation in order to continue its anticompetitive and illegal business practices. These practices have substantially harmed businesses and consumers. Unless a stronger and more strongly enforced settlement is reached, we can expect further harm and more litigation.

The PFJ is too weak in too many ways to list here. Here are a few weaknesses that particularly concern me, as a independent software developer and a supporter of free or open-source software.

(1) The PFJ defines terms such as ''API'', ''Microsoft Middleware'', and ''Windows Operating System Product'' so narrowly that restrictions can be circumvented by changing distribution methods or product names (see http://www.kegel.com/remedy/remedy2.html).

(2) The PFJ allows Microsoft to continue anti-competitive practices against free and open-source software. Section III.J.2 allows Microsoft to condition disclosure of documentation and APIs to third parties on its own interpretation of the ''authenticity and viability'' of the third party's business. Microsoft's greatest current competitor is the Linux operating system, which is written by a loose coalition of independent software developers and owned by no single company. Microsoft would be free to determine that Linux is not a viable business and withhold technical information.

(3) It does nothing to prevent Microsoft from using artificial incompatibilities and restrictive licensing to increase the barrier to entry for third-party operating systems that attempt API-compatibility with Microsoft's operating systems.

(4) It allows Microsoft to continue to withhold information about its file formats, although undocumented file formats form an important part of the Applications Barrier to Entry (Findings of Fact paragraphs 20 and 39).

The PFJ's enforcement mechanism is also too weak. Only one of three members of the Technical Committee will be selected without Microsoft's influence. This is a absolutely shocking concession.

A company with Microsoft's long history of ruthlessly illegal and anticompetitive behavior cannot be allowed to choose the policemen who watch over it. Further, the PFJ gives the Technical Committee no enforcement powers of its own. All disputes are passed on to the courts. But as this and other lawsuits have shown, the courts act far too slowly to deter Microsoft from illegal action.

Consumers and business have suffered considerable harm through Microsoft's illegal maintenance of its monopoly. Microsoft has accumulated billions of dollars of consumers'' and business's money by hundreds of dollars for software whose marginal cost is tens of dollars, and whose development cost is negligible in comparison to those billions. Consider also, that open-source software companies offer similar, even superior software free of charge. Microsoft's software is widely viewed in the open-source community as buggy, unstable, and generally inferior. Microsoft's operating systems crash far more frequently than their alternatives. Microsoft's insecure programming methods are the basis for the majority of Internet viruses. Microsoft's unpublished file formats and the subsequent difficulty of transferring files to non-Microsoft software have caused countless people countless hours of frustration. Yet consumers and businesses are locked into Microsoft's software, due to a combination of economic ''network effects'' and artificial barriers to entry supported by Microsoft's illegal, anticompetitive business practices.

Microsoft has a stranglehold on both the computer operating system market and the office productivity software market. It has demonstrated repeatedly that it will do anything it takes, legal or illegal, to maintain its monopoly. Consumers and businesses have been harmed, substantially. The Court and the Justice Department simply must impose broader and more strongly enforceable restrictions on Microsoft, or the harm will continue and another lengthy suit will follow.

John F. Gibson
Researcher in fluid dynamics
Independent developer of scientific software
Tutor, St. John's College
Santa Fe, NM 87505
(505) 992–2935

MTC–00026934

From: HLSOL@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:59pm
Subject: Microsoft Settlement

Dear sir:

I would like to see that the Microsoft case finally comes to a conclusion which will preserve the foundations of a free society in its preservation of respect for property rights.

Microsoft has always been of positive benefit to the consumer in enabling everyone to have access to his own PC, packaged with virtually all the needed software at a reasonable price. To find that Microsoft is undercutting the costs of its competitors is the problem of its competitors, it is not Microsoft's problem, and it is not a problem for the consumer. It is because of Microsoft that the PC has become an indispensable addition to my home; I do not owe any thanks to it's competitors for Microsoft's accomplishments.

I do not want the government interfering in my ability to choose what software I run on my PC. If other companies have a beneficial product, let them compete for my business in the marketplace, and not seek special privileges from government by trying to invoke the gross ambiguities inherent in the antitrust laws. When politicians protect some businesses from others they engage in a dangerous policy. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. This is the only way everyone can benefit, including the

competitors of Microsoft, who now are able to compete in a market that did not exist before. The only way that this country can remain free is to fully recognize and protect the principle of property rights inherent in constitutionally guaranteed individual rights.

Sincerely,
Henry Solomon
hlsol@aol.com
CC:HLSOL@aol.com@inetgw

MTC–00026935

From: Diane Swan
To: Microsoft ATR
Date: 1/27/02 4:00pm
Subject: Microsoft Settlement
Lawrence Swan
17517 Osprey Road
Arlington, WA 98223
January 23, 2002
Attorney Generai John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to write and express my support of the recent settlement that has been reached between Microsoft ant the Department of Justice. This lawsuit has occupied the attention of the courts and the IT industry for far too long. If the federal government intended to produce consumer benefit with this suit, the matter should have been resolved long ago.

Due to the proposed settlement, Microsoft will be forced to renounce intellectual property rights to parties who feel they need access to Microsoft's products in order to produce their own. Along with that, Microsoft will be forced to use a uniform pricelist that will certainly decrease Microsoft's profitability for years to come. These and many other terms of the settlement more than compensate all the plaintiffs in the suit.

Since the current settlement provides compensation, deserved or no, to all the parties in the suit, the proposed settlement must be made formal. Those who would see the suit reopened for litigation only want to strip Microsoft of more money and market power for their own selfish gain. The Justice Department must see that the proposed settlement becomes formal as soon as legally possible.

Sincerely,
Larry Swan

MTC–00026936

From: Jeff Chapin
To: Microsoft ATR
Date: 1/27/02 3:56pm
Subject: Microsoft Settlement

I am an average home consumer of Microsoft products, and I do not believe that I have been victimized by Microsoft in any way. I like Microsoft products and they have only been a positive and useful tool for me and my computing needs. I have found Microsoft to be very innovative and progressive in the last decade. They have been at the leading edge of technology and bringing this technology to consumers at very reasonable prices. Furthermore, I feel that I have the ability to choose what software I like and companies are always willing to listen to their customers. I feel that this antitrust case is completely bogus. It has been propagated by Microsoft competitors and power-hungry politicians.

Microsoft has been unfairly and wrongly taken over by the government at the request of its competitors.

The antitrust case and in fact the antitrust laws in general are statist and immoral. Microsoft has a right to its property, which the government should not be able to take away at its whim. Microsoft has become the leader in the software industry through superior products and fair capitalism. This case has put our country on a dangerous course of more government control over our economy and our individual lives.

The shareholders of Microsoft have a right to their company and antitrust is nothing short of theft.

Jeff Chapin
Hutchinson, KS

MTC–00026937

From: Kathy Morgan
To: Microsoft ATR
Date: 1/27/02 4:01pm
Subject: Microsoft Settlement
Re: Revised proposed Final Judgment, United States v. Microsoft

Sirs:

I have reviewed the proposed Final Judgment referenced above and I beg the court not to accept it. This proposed settlement is so severely flawed that it would be contrary to the public interest.

Microsoft has been found by the Court to be a monopoly that has abused its monopoly powers by engaging in anticompetitive practices.

This has had several effects on end users such as myself: (1) Many of Microsoft's products are priced out of reach of many users; they have a long history of buying out competitors and discontinuing the competing products, so they can charge any amount they like. (2) When they are unable to buy out a competitor, Microsoft provides a competing product free with the Windows operating system until the competitor is forced out of business or relegated to marginal status.

Examples include Outlook Express, which is a seriously inferior product and violates many Internet standards—but it is used by more people than any other mail or news client because it is preinstalled when a computer is purchased, and Internet Explorer—integrated into the Windows operating system. (3) Because of Microsoft's devious and unfair practices making it impossible for competitors to access and use Windows API's, authors of other middleware products are unable to compete with Microsoft and so their products may never become available for for people like me to purchase. (4) OEM licenses have forced providers of hardware to discourage competing operating systems or prevented hardware providers entirely from offering bundles which include competing products or hardware which has no operating system preinstalled. (5) Large users with ''site'' licences are forced to pay licensing fees for every piece of hardware capable of running Windows, whether or not the hardware actually does have Windows installed. (6) Microsoft software which has been distributed in furtherance of their abusive monopoly is notoriously insecure and susceptible to malicious worms, viruses, and trojans which directly adversely affect those whose systems become infected and indirectly adversely affects all of us who have Internet connections when we receive dozens or hundreds of copies of virii propagated by MS software or our Internet Service Provider's mail servers or routers crash under the impact of the thousands of copies passing through them.

It appears to me that because of the unreasonably restrictive terms of the agreement and definitions in the proposed Final Judgment, Microsoft's monopoly position and ability to use the monopoly to unfairly discourage competition will actually be strengthened rather than remedied. Additionally, the wording in Section III.B will still allow Microsoft to ''punish'' some OEM's who fail to ''play ball'' with Microsoft by offering special prices and discounts to all others.

My interest in the Microsoft Settlement: I am a United States Citizen, 54 years of age, residing in Tok, Alaska. I am an end user who is affected by the outcome of this case purely as a person who buys and uses computers. I am not employed by any computer hardware or software company or individual and as far as I know I am not related to any hardware or software companies or individuals.

Sincerely yours,
Kathy I. Morgan
Box 342
Tok, AK 99780–0342

MTC–00026938

From: Wayne Turner
To: Microsoft ATR
Date: 1/27/02 4:04pm
Subject: Microsoft Settlement

I do not think the Microsoft monopoly or the purposed settlement are in the consumer's best interest.

MTC–00026939

From: TLusa84757@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:05pm
Subject: Microsoft antitrust case
2142Blake Boulevard SE
Cedar Rapids, IA 52403–2824
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC? 20530–0001

Dear Mr. Ashcroft:

I am writing toexpress my views regarding the Microsoft antitrust case.? I have always felt that this entire suit haswasted far too much taxpayer funds.? Ialso believe that the company has been treated unfairly in this case, as theyare only guilty of acting in the true spirit of free enterprise.? As far as I am concerned, Microsoft has done what all ambitious companies should strive to do—create a well-needed product,use unsurpassed marketing strategies to sell the product, and make aprofit.? No one can argue thatMicrosoft's extraordinary strides haven???t changed the IT industry forever.

In their efforts tocome to agreement with an aggressive government and get on with steadyproduction, Microsoft has conceded far beyond obligations that fairness requiredof them.? They have compromised theircompetitiveness by agreeing to grant their competitors access to internalWindows code, protocols and codes.? Theyhave even agreed to have their compliance monitored by an external oversightcommittee. All these attempts onMicrosoft's part are sure to prevent future antitrust violations.? I believe it is a very well organizedagreement and everything should be done to formalize it as soon as possible.

Sincerely,

Thom Lusardi

MTC–00026940

From: Webmaster
To: Microsoft ATR
Date: 1/27/02 4:05pm
Subject: Microsoft Settlement

Dear Department of Justice:

I am writing to you as someone who has been involved in computers for the past 25 years, grew up near Microsoft, and have been on both sides of the love ''em or hate ''em Microsoft fence. I would like to give you my observations and comments about the computer industry as it relates to the Microsoft case.

A Brief History of the Personal Computer (circa 1980 to 1995) Circa 1980, the personal computer was born, and within a few years, the PC's killer applications (namely spreadsheets, word processors, and presentation graphics programs) made the PC an indispensable business tool. Innovation and competition were strong and consumers benefited from new products such as Lotus 123, Word Perfect, and Harvard Graphics.

Over the years, Microsoft also innovated and introduced refined versions of its DOS and Windows operating systems. By the mid- to late 1980s, IBM had finally lost its dominance of the open hardware platform it created. The failure of the more-closed PS/2 and the further advances of PC ''clones'' drove prices down while driving hardware innovation and performance. The proliferation of low cost personal computers drove the further adoption of Microsoft operating systems.

During the early 1990s, Microsoft, funded by its operating systems success, also delivered innovative and superior products such as Excel and Word. These products rightfully claimed market dominance over their competitors. These products also became strong revenue producers for Microsoft. Through widespread adoption of Microsoft operating systems, consumers benefited, and developers were overjoyed.

Microsoft further created excellent developers'' tools and wooed developers to create applications for Windows.

The Personal Computer Matures (circa 1995) Unfortunately, towards the mid-1990s, the PC market was becoming mature. The personal computer had run its course, and networked, not personal, computers were the new frontier. Microsoft and other personal computer software vendors turned to competing in feature wars by adding features that were largely useless to the majority of users and by driving a new software business model: the upgrade cycle.

Prior to this time, innovation in the personal computer industry was high and product quality was excellent. I remember when a bug in software made headlines and was truly an embarrassment to the company that wrote the software. Prior to this time, new major releases were truly valuable and, because of attention to quality, customers quickly adopted the latest technology.

Subsequent releases of personal computer software generally offered only minor functional improvements while adding substantial incompatibilities and instability through buggy software. Often upgrades were mostly bug fixes. Software incompatibilities with hardware, however, drove hardware sales that had now become dependent on software upgrade cycles. Many in these industries became staunch supporters of Microsoft because their livelihood depended on it.

It is considered by some that post Windows 95 OSR2, the Windows 98, Windows 98 SE, and Windows Me operating systems were progressively worse releases. Certainly corporate America began to shy away from these frequent and ''problem-full'' upgrade cycles. Software manufacturers, Microsoft in particular, faced with spiraling support costs resulting from product deficiencies and poor quality, began charging customers for support. This further alienated customers who had become dependent on the technology.

In the mid-1990s, while working with software developers, I learned Microsoft had a new trick in addition to upgrade cycles. Because of Microsoft's dominance of the personal computer operating system, it began dangling new over-hyped technologies to developers but withholding adequate information to get the programming done. To that end, Microsoft would supply expensive consultants. Through the use of consultants, Microsoft could control who had access to what technology. Microsoft seemed to provide consultants to companies developing products that further enhanced the appeal of the ''Microsoft platform''. Unfortunately, I learned first-hand that once Microsoft deemed your software was no longer strategic or was competitive, the support vanished. The same strategy also applied to hardware.

Originally, Windows NT ran on Intel, DEC Alpha, MIPS, and PowerPC platforms. Once Microsoft pulled the plug on support for the non-Intel platforms, these other platforms vanished almost overnight.

Around this time, it was also widely known that Microsoft employed an ''embrace and extend'' philosophy. The implementation goes something like this: Once a new non-Microsoft technology emerges, Microsoft discredits the technology and withholds operating system support.

This minimizes the revenue that a potential competitor could derive in the early stages of a product's life that could be used to fund additional development. Meanwhile, Microsoft had a chance to study and subsequently implement competing and typically inferior technology into its operating system. At times, by only announcing that Microsoft will develop a competing technology, Microsoft could convince its customers to abandon the new non-Microsoft technology or, at least, sit-and-wait until it was built-in for ''free''. The pattern generally continued by starving the original innovating companies while developing its own technology. Typically, by a 3.x release, Microsoft had monopolized the technology while the original innovators had gone out of business.

What was happening to hardware and software developers was that they were learning a message from Microsoft that was loud and clear. The message was that if you were not strategic to Microsoft, you were ''history''.

The Networked Computer Industry (circa 1995 to Present) Fortunately, for consumers and developers, the need to transcend the ''personal'' in PC and become networked exploded with the adoption of the Internet. There was incredible excitement and innovation as numerous companies worked around the clock to develop new products, services, and applications. HTTP, HTML, and Java were the tools to break the industry free. There was a big problem with the Internet to Microsoft because it didn't use Microsoft technology and, further, it could minimize the importance of the Microsoft Windows operating system.

Once again, Microsoft attempted to discredit the technology while buying itself time to determine how to best ''embrace and extend'' the technology. I do admire Microsoft in its ability to turn its entire company around in ''Internet time'' to address this great threat.

Unfortunately, this has been to the detriment of consumers and the Internet as Microsoft is trying and succeeding at crafting its own version of the Internet.

There are numerous examples of this strategy. As far back as Stacker vs. DoubleSpace, to QuickTime vs. AVI, MP3 vs. WMA, RealPlayer vs. WMA, Java vs. MSJava vs. C#, JavaScript vs. JScript, and more.

Microsoft has sought to pollute every interoperable and de facto standard with it's own ''embrace and extend'' but incompatible version.

In the ease of Netscape Navigator and Internet Explorer, Microsoft claims its dominance is due to Internet Explorer being a better browser. It, in fact, is a better browser—on Microsoft Windows.

However, this is clearly because any company is unable to compete with a Goliath company that gives the product away for free (far below its cost).

I remember sitting in Microsoft briefings while they insisted that they were ''browser agnostic''. The audience snickered as surely they were browser agnostic as long as the browser was a Microsoft browser.

Microsoft even feigned cross-platform support by offering a Unix version of Internet Explorer that never worked and which has been subsequently dropped. Now that Microsoft owns the browser, there is no need to support other platforms. It is quite a disconcerting that the fate of Apple rests upon Microsoft's willingness to supply it Microsoft Office and Internet Explorer. Without these core applications, no desktop operating system could survive.

My Views on What Needs to Change

What has happened is that the technologies Microsoft has added to its operating systems have not been for ''free'', as Microsoft would like us to believe. They have come at a high price of stamping out non-Microsoft developer innovations. They have come at a price of security and reliability, as there is really no other choice for corporate America. They have come at a price of Microsoft-ifying the Internet and attempting to replace every open and interoperable standard that the rest of the world has tried to create. Microsoft continues by trying to force its dominance into product areas of hand-held computers, video games, entertainment, and Internet service.

A recent example is the announcement of MSN as the number one search engine. It is actually not surprising, as MSN is the default search tool in Internet Explorer.

The sad reality is that Microsoft already owns the desktop, the corporate office suite, and the web browser. It has purposely integrated the browser into the operating system so that it loads faster and is more difficult to remove. Microsoft has also tied its desktop and server operating systems together with almost identical code-bases. I think it is quite dangerous that Microsoft is trying to tie its Windows desktops to its Windows servers to displace other more reliable, open, and secure server operating systems from competitors. Microsoft is trying to unfairly force itself into the server market by way of the desktop. At the same time, Microsoft is trying to create its own version of the Internet as well as force users to use its Passport service.

In the early 1990s, I was an adamant Microsoft fan. Unfortunately, their patterns of behavior towards outside innovators and of tying numerous Microsoft products together have changed the way I make choices. More and more, I choose open solutions whenever possible even though I know there is a threat that Microsoft may eventually kill them. A prime driver of the current downturn in the computer industry, I believe, is the lack of innovation. I am quite confident that a plethora of reliable and secure multimedia (audio, video, photography, speech), networking (collaboration, communication, interactive, wireless), and business applications are possible and awaiting development. The unfortunate reality is that Microsoft holds the keys to the client operating systems that these applications need. At this late point, I'm not sure what type of settlement/remedy would be appropriate. Microsoft has already cost the technology industry (including Netscape) irreparable harm and continues to further cripple it to serve its own agenda. At the beginning of the antitrust cases, I thought it might be reasonable to break Microsoft into 3 separate companies: Desktop OS, Applications, and Server OS. The reason for splitting out the Server OS would be to prevent Microsoft from unfairly tying Windows clients to Windows servers. Unfortunately, the code-base is the same, so perhaps only strict conduct remedies might work. Internet Explorer must be considered an application and stripped from the operating system. Further, it must be made available in fully functioning form across major operating systems (Windows, Mac, Unix, Linux). To do this, it must be stripped of its Windows-specific technologies and implemented in a truly cross-platform manner such as the Mozilla/Gecko/Netscape product. It must conform to open and not proprietary standards. The same exact requirement also needs to be made of Microsoft Office. These applications are critical to the functioning of American businesses and should be regulated like a utility.

Another sad reality is that Microsoft developers and personnel are ''soMicrosoft'', in general, they do not understand other and outside open technologies. Assuming Microsoft was split, it would take years for personnel to retrain themselves to understand non-Microsoft technologies and to begin developing products that conform to open standards. Because there is such a closed—almost incestuous—Microsoft culture, the separate companies should be geographically dispersed to prevent inevitable commingling. Although such as break-up would cause tremendous anxiety in the industry, I think it is necessary in order to give other operating systems a fighting chance and to convince the non-Microsoft development community that it is safe to innovate once again.

I would estimate the disruption could last 2 to 4 years. The current prospects, however, are continued stagnation, meaningless upgrade cycles, poor reliability and security, and less choices as Microsoft continues to take over all aspects of computing, networking, entertainment, and identity/payment systems. Considering I originally wrote this on a Windows NT (1995) machine with Word 97, I would be willing to use Windows2000 and other current software versions for a few years in the hopes of gaining truly open computing platforms and radically new and innovative products in the future.

Finally, please compare the personal computer software and hardware industries over the past 5 to 10 years. Despite a dominant, but somewhat less adversarial, Intel, the hardware industry has delivered products that are many, many times over faster, more reliable, and more functional at fractions of the price of what they used to cost. A modern PC can be bought for $500 that includes a monitor and printer and is better than most corporate desktops. On the other hand, new non-upgrade versions of Microsoft's latest Windows XP Professional and Office XP will cost you more than the hardware. This is truly ironic considering there are no real manufacturing costs to the software and considering the marginal benefits provided to consumers by the marginal softare upgrades during the same period.

Best of luck. We are counting on you,

Brett Duke

MTC–00026941

From: Art Holland
To: Microsoft ATR
Date: 1/27/02 4:06pm
Subject: Microsoft Settlement
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse,

Microsoft was the first to exploit if not realize that the PC business was like any other modern business that depends on interoperability—he who can establish and control the standards will become a very profitable monopoly. Just like roads, telephones and many others—the business of computers is about having them interoperate—whether on networks or through packaged software.

Microsoft has gained this leverage through control of the API's and file formats combined with some very unsavory business tactics. The result is that people need Windows and they need Office. To choose anything else is to make significant compromises in one's ability to interact with others.

MS has exploited this, protected it and been convicted of illegally maintaining it and lost on appeal. This monopoly is stifling progress. Why would investors attack a monopoly? It's financial suicide.

Remedy:

Fine them billions for breaking the law
Openly publish API's and file formats subject to the satisfaction of an independent board.
Make available a version of Windows that contains no applications (the things people actually buy computers for) at 1/2 the price of any other version.

Thanks.

Sincerely,

Art Holland

MTC–00026942

From: hf.consult@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:07pm
Subject: Microsoft settlement
1900 53rd Street N
Saint Petersburg, FL 33710
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write to you today to show my support for the recent settlement reached between the Department of Justice and Microsoft. Bill Gates has been an integral part of the building of this nation and for that matter the world's computing abilities. He has been ingenious in the running of his company. I do not believe that the federal government should punish this ingenuity. I do not believe that the federal government has the right to persecute Microsoft. Given these sentiments, I am pleased that there may finally be some closure with this issue. Microsoft has been making many concessions to ensure that this occurs. For example, Microsoft will share information about the internal workings of Windows with its competitors, and thus allow them to place their own programs on the operating system. Microsoft has even agreed to the formation of a technical review board whose sole job will be to ensure compliance with the terms of the settlement.

The settlement offers an opportunity to end this lawsuit and returns the country's focus back on business, where it belongs. The federal government must end its pursuit of Microsoft.

Sincerely,
Edward Bailey MTC—00026942—0003

MTC–00026943

From: KENWINFARM@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:08pm
Subject: Microsoft

Why don't you leave Microsoft alone for everything you become involved in you Screw it up. Attorneys are screwing this country to Hell and back and Greed is all They care about.

Ken Stewart

MTC–00026944

From: d.s.sanford@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:08pm
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,
Dorothy Sanford
Assembly Drive
Cartersville, GA 30120

MTC–00026945

From: Matthew
To: Microsoft ATR
Date: 1/27/02 4:10pm
Subject: Microsoft Settlement

Dear Sirs,

The proposed settlement is unacceptable and gives Microsoft even further headway into a market where Apple Computer, Inc. was previously the leader.

Please do not let this pass.

Matthew

MTC–00026946

From: BELLLCI@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:14pm
Subject: Microsoft Settlement

I feel that the Microsoft Settlement is not in my interest for countless reasons.

Rebecca Bell
Jekyll Island, GA 31527

MTC–00026947

From: Ken
To: Microsoft ATR
Date: 1/27/02 4:17pm
Subject: Microsoft Settlement

I have read the proposed settlement of the Microsoft anti-trust case and I believe that it does not adequately prevent Microsoft from abusing its monopoly power as a lever to gain new monopolies, destroy U.S. businesses, and ultimately to milk consumers for unnecessary, insecure, and unwanted ''features''. The settlement must be toughened and made bulletproof, but with the same speed that this one was cooked up.

There are bigger loopholes in this proposal than in previous agreements with Microsoft, which they subsequently defied with impunity. Redefining words like ''browser'' and renaming products like ''Windows 95'' instead of ''DOS 7 + Windows 4.0'' is the level of deceipt that they would use to break this agreement as well. They are on the verge of relabeling MS Office as a ''subscription service''.

Ken Conrad
Dayton, Ohio

MTC–00026948

From: Oscar A. White
To: Microsoft ATR
Date: 1/27/02 4:17pm
Subject: Microsoft hearings

To whom it may concern,

I believe that the proposed settlement with Microsoft should go forward as agreed upon. The competition should leave them alone, if they, the competition can do a better job of developing software then they should get on with it. Leave the people alone who have proven they have the smarts and resourses to do the job!

Sincerely,
Oscar A. White

MTC–00026949

From: CHerUbicXGuRLie@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement
Lisa Luo
01–28–01

The only reason that the U.S. versus Microsoft case came about is because of the word, ???success???. Because of Microsoft???s great dominance in the computer world, many competitors are expectedly intended to cripple the company. In some ways, Microsoft is expected to be charged since they had ???destroyed competition in the market for Internet browsers???, according to a federal trial court. Microsoft actions??? such as ???delivering a web browser with its Windows software packages??? undermines many companies such as Netscape???s monopoly power. If two similar products are placed before me and one of them was packaged with an extra item, I would grab for that product. Who wouldn???t want free items?! Microsoft???s fault of continuous prosper should be controlled to prevent serious consequences.

In this technological advancing world, many competitors of the economy strive to dominate all by having the best of the best. I think the limits of Microsoft???s conduct from the revised proposed final judgment is very suitable to prevent a single dominance and to have a world of equal attempts to gain and profit. Microsoft should be controlled so there wouldn???t be an ultimate consequence of ???misuse [in] its operating system monopoly to artificially exclude browser competition and deprive customers of a free choice between browsers???. Microsoft should also, ???allow applications to run in multiple operating systems???, so competition would revive. Leaving some space for other companies to strive in some way will provide everyone with ???economic freedom???.

CC:Jqchick@aol.com@inetgw

MTC–00026950

From: Steven L. Mading
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement

I am writing as a concerned citizen employing my rights under the Tunney Act, which state that the proposed Microsoft Settlement with the Department Of Justice must allow for a period of public comment. This message is my public comment.

In short, I think the proposed settlement is inadequete to remedy the situation.

Rather than give a list of reasons, which would be repetative with lists in other people's letters, I will simply expand on one point I find partiularly important: Microsoft Office dominance:

The proposed remedy of forcing Microsoft to publish their program calls (or ''API'') because they have become de-facto standards doesn't address the other more important de-facto standard over which they enjoy control—namely the file formats they use for saving Office documents in programs such as Word and Excel. Because compatability with Microsoft Office applications has become a neccessity with their monopoly position, if Microsoft can continue to hide the format of these files, they can continue to deny competing products entry into the marketplace. Many aspects of modern life, for good or bad, have come to depend on Word(tm) documents as the standard form of business interchange. There are even many Human Resources departments in large companies that will only take electronic resumes in Microsoft Word format and no other. It should be obvious that there are monopolistic influences at work when to look for a job, you must own a product from one specific company and no other. Certain government offices also dissemate public information in Microsoft Word(tm) format.

Now, I feel the ideal remedy would be to educate people on how they are helping prop up the monopoly situation every time they choose to only accept input in Microsoft Word format and no other—but such a remedy isn't ever going to occur. In a free market, monopolies don't Steven L. Mading at BioMagResBank (BMRB). UW-Madison Programmer/Analyst/(sometimes SysAdmin) mailto:madings@bmrb.wisc.edu B1108C, Biochem Addition / 433 Babcock Dr / Madison, WI 53706–1544

MTC–00026951

From: hwl@familyclick.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:20pm

Subject: Microsoft Settlement

I am AGAINST the proposed settlement of the antitrust case involving Microsoft Corporation. Companies that achieve great levels of success as measured by revenues, profits, market share, etc. by producing innovative products, better quality, lower price, etc. in a totally legal and ethical manner should not be penalized just because they are successful. Unfortunately, too many people and government bureaucrats automatically regard success in the private sector as indicators of illegality, and I am usually against the Department of Justice pursuing antitrust cases.

However, Microsoft has clearly achieved its stature via deceit and other illicit means, as demonstrated during the court proceedings in this antitrust case as well as other litigation such as Sun Microsystems vs. Microsoft regarding Java. Some of the issues that stand out in my mind are:

Microsoft's ''embrace and extend'' approach in developing its own versions of products: Notice that a possible tool from another vendor has potentially significant popularity in the market and would consequently enhance the overall market for PCs and the Microsoft Windows operating system. Offer support to that vendor to help their product be successful. Once Microsoft sees the unexpectedly high success of the product, begin developing a similar product, merge it in with the Windows operating system so that people can easily transition, then extend the new product by adding features incompatible with the original, more popular product. Arrange with PC vendors restrictive licensing agreements that prevent them from selling PCs with both Microsoft and non-Microsoft products. The result is that the former supporter stabs the original vendor in the back. Such has happened with Netscape and was in progress with Java until Sun Microsystems successfully litigated. There is a new browser available from the open-source/free-software community (which Microsoft hates) called Opera; Opera could not access many of the Microsoft web pages because they were designed for Internet Explorer by using extensions to commercial standards that only Internet Explorer recognizes, and yet Microsoft falsely claimed that it was Opera that violated the standards (the Opera developer is a member of the standards committee and pointed out where Microsoft's web pages violated the prescribed standard).

Microsoft repeatedly gave self-contradictory testimony at the trial. Much of their testimony was demonstrated totally fallacious by experts for the Department of Justice. Microsoft cannot be trusted to come close to telling the truth under oath. Microsoft needs to be put in a position that it is impossible for them to break the final settlement when they are not under oath.

Microsoft has the lion's share of the very large PC operating system market, and they can change Windows whenever they wish, which can end up deliberately creating incompatibilities with other vendors'' application tools running in the Windows environment, whereas the application tools departments in Microsoft are informed of the changes in Windows and can accommodate. This results in Microsoft having an unfair advantage in developing applications tools when they control the dominant operating system. One can quite reasonably ask why the other vendors do not get into the operating systems business, competing head to head against Microsoft, and take control of their own destiny. The problem is that most of the companies producing applications tools are small and require all their resources to go into the development of the specific tool. Operating systems are far more complicated pieces of software taking many years to develop. The only operating system offering Microsoft Windows any substantive competition at all is Linux (which Microsoft wishes to kill also), and Linux has been in development ten years now with some significant work still left. This is why the industry desperately needs Microsoft split between its Windows operation and its application tools operation.

Microsoft shows its true colors by seeking legislation to outlaw the use in government-funded activities of software developed under the GNU Public License, including Linux. Such software might actually succeed where no other has: provide meaningful competition and take significant market share from Microsoft.

The findings of fact regarding Microsoft's adverse monopolistic behavior have held firm in the courts—for good reason. The proposed settlement does nothing to redress past wrongs nor does it put adequate teeth into preventing future misdeeds of similar ilk. I have been a professional software developer for a variety of applications for almost 30 years and an adjunct professor in electrical engineering and computer science for 15 years. I have used both Microsoft and non-Microsoft products during that time, as well as followed the actual technology involved.

Please take these issues into account and rule in a manner so that vendors besides Microsoft have the opportunity to play a significant, successful, innovative role in the software marketplace. I regard the original ruling of splitting Microsoft into an operating system company and a totally separate application tools company to be very wise and appropriate. The proposed settlement is not.

Howard W. LUDWIG, Ph.D.
11666 Darlington Drive
Orlando FL 32837

MTC–00026952

From: Herman Choper
To: Microsoft ATR
Date: 1/27/02 4:19pm
Subject: Microsoft Settlement

This settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

The Senior Citizens are the ones that are suffering the most from this recession.

Thank you for taking the time to hear from us.

Herman Choper
chy6@juno.com

MTC–00026953

From: John Springer
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement

I oppose any settlement with Microsoft that does not make these provisions:

1. Penalize them for putting other companies out of business by bundling ''good enough'' software with Windows and Office, thereby destroying existing markets.

2. Prevent them from effectively forcing proprietary standards onto the world by building them into Windows, ignoring standards organizations, and not publishing specifications.

I think Microsoft is being allowed to dominate and control an industry that is as essential today as the telephone is. It is as though AT&T 50 years ago had been allowed to build phone systems that wouldn't let customers talk to anyone using non AT&T equipment.

John Springer
Portland, OR

Golly—I think it's raining out there.

MTC–00026954

From:
Derek.Tarvin@DecisionOne.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:23pm
Subject: Microsoft Settlement

I would like to take a moment to express my displeasure with the currently proposed settlement in the Microsoft Anti-trust Lawsuit. My understanding of the settlement is that Microsoft is to give copies of it's Operating System and software to schools, etc. This whole issue was brought about by Microsoft's manipulations to get their software on as many computers as possible. The proposed settlement would merely extend the current issue into schools without rectifying the original issue.

While I don't like punitive actions, I believe that a solution that is more inline with solving the original issue is warranted here. Personally, I think a settlement that creates more competition within the Operating System software industry would be the best solution. Possibly a settlement that would require MS to supply schools with computers with an alternative Operating System such as Linux or the Macintosh Operating System.

Thanks for your kind attention.

Derek Tarvin

MTC–00026955

From: Dave Kopel
To: Microsoft ATR
Date: 1/27/02 4:23pm
Subject: Microsoft settlement

I am writing this letter to express my support for the proposed Microsoft settlement. In contrast to the alternatives proposed by the non-settling states and by the companies which have used this lawsuit as a means of harassing Microsoft, the proposed settlement is reasonably based on the decision of the Court of Appeals.

In my book ''Antitrust after Microsoft,'' I argue that one of the central flaws of antitrust law is its erratic and unpredictable application. Another flaw is how often companies are targeted as a result of politics and lobbying. The Microsoft case was an

egregious example of both. Settling the case would not only be good for the American economy, it would be a constructive step forward for the rule of law.

Sincerely,
David B. Kopel
Director, Center on the Digital Economy
Heartland Institute.
Research Director,
Independence Institute

MTC–00026956

From: Ken Arromdee
To: Microsoft ATR
Date: 1/27/02 4:19pm
Subject: Microsoft Settlement

As a computer professional and PhD in computer science, I'm writing to express my concern about the revised proposed Final Judgment in the US vs. Microsoft case.

I'm particularly concerned as a user of the Linux operating system. Linux may be the most viable competitor to Windows right now, and any settlement should prevent anticompetitive actions towards Linux. I'm disturbed, however, by the loopholes in the settlement, both with respect to competition with other operating systems in general, and specifically in connection with Linux.

—In section III.a.2, Microsoft is prohibited from retaliating against OEMs who include both Windows and another OS on their computers. However, the prohibition doesn't include computers shipped with *only* a competing OS. The prohibition should be extended to include such computers.
—Section III.d requires that Microsoft disclose information to ISVs, IHVs, IAPs, ICPs, and OEMs about middleware APIs. Section III.e requires similar disclosure of communications protocol, and section III.i requires that Microsoft licenses any associated intellectual property. These seemingly reasonable clauses would exclude Linux:

() The reference to ISVs (independent software vendors) would at first seem to let the information be used with Linux. However, Linux is written by volunteers; it's not clear whether the term ''ISV'' would include a typical Linux developer.

() According to section III.i.3, Microsoft can prohibit sublicensing or transfer of intellectual property rights. The Linux kernel and many other parts of Linux are written under a license (GNU General Public License) which requires that the licensed program be freely modifiable and distributable. Prohibitions on sublicensing/transfer would violate the GPL, preventing Linux from using the information.

() Royalties for licensing the information must be ''reasonable and non-discriminatory''. Since typical Linux developers are volunteers who don't profit from their code, any ''reasonable and non-discriminatory'' fee greater than zero would make it impractical to use the information with Linux. Some types of ''reasonable and nondiscriminatory'' terms may be even worse; for instance, since Linux may be freely copied, a per-copy fee paid by the developer would impose a potentially infinite cost.

() Section III.j.2 permits Microsoft to disclose the information only if the user has a reasonable business need, which wouldn't apply to a Linux developer writing code as a volunteer project. It also lets Microsoft require a third-party compliance test at the user's expense, which is inappropriate for a volunteer making no profit.

() The information can only be used for interoperation with a ''Windows Operating System Product''. This prohibits many reasonable uses, such as making a non-Windows operating system able to run Windows programs. Also, if the use of the information is restricted, it may be difficult or impossible for a programmer who has seen the information to ever work on Linux, since he would never be able to prove that he isn't using information in a prohibited way.

This problem with the Judgment can only be fixed by not allowing restrictions on distribution or use of the information.

—Microsoft is not required to release information about file formats, such as in Microsoft Word, and Word is not included in the definition of middleware.
—The definition of ''middleware'' is tied to the specific version numbers used, allowing Microsoft to easily get around the judgment simply by changing its numbering scheme.
—The exemption in III.j.1 for technology necessary for anti-piracy, licensing, and authorization is a very big loophole. For instance, Microsoft could create middleware that only runs applications that have been digitally signed by Microsoft, and then not tell third parties how to create signed applications, allowing Microsoft to control which applications are run.
—The proposal should also prohibit anti-competitive licenses. Many Microsoft products contain clauses that prohibit running them on non-Windows operating systems. Some specificallyt mention open-source software (which includes Linux). For instance, Microsoft's Mobile Internet Toolkit's EULA contains a prohibition on not using ''Potentially Viral Software'' (defined as to include open source) tools to develop software that uses the kit.
—The proposal should prohibit Microsoft from requiring that licensees not publically discuss the product, the license, and/or the license terms.

Kenneth Arromdee
January 27, 2002

MTC–00026957

From: kb2ip@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:27pm
Subject: Microsoft Settlement

It is time to settle. It will have a very positive impact on the present economy and it will help in pulling us out of the recession we have experienced over the past year.

Paul trepanier
Fairport, NY

MTC–00026958

From: Daniel Haun
To: Microsoft ATR
Date: 1/27/02 4:28pm
Subject: Microsoft Settlement

I would like to express my dissatisfaction with the proposed Microsoft settlement. The proposed final judgement, as written, is vague and full of loopholes. It claims to address the serious issues raised against Microsoft, but is worded in such a way that it would have no significant effect. Please do not adopt the judgement in its current form.

Daniel Haun
Network Support Analyst
Adventist Health
2100 Douglas Blvd.
Roseville, CA 95661

MTC–00026959

From: Jack Rodgers
To: Microsoft ATR
Date: 1/27/02 4:29pm
Subject: Microsoft Settlement

Has anyone consider the possiblity that Microsoft is forcing peripheral manufactures such as recording devices, cell phone cards, MPG3 players, etc. to ONLY SUPPORT MICROSOFT since most of these devices do not include support for Macintosh or Unix computers. It is almost impossible to buy one of these devices that download or upload data from a computer and find support for anything but Microsoft Windows.

Jack Rodgers
<mailto: jackrodgers@earthlink.com>

MTC–00026960

From: Stephen Degler
To: Microsoft ATR
Date: 1/27/02 4:31pm
Subject: Microsoft Settlement

Hello,

The purpose of this mail is to comment on the proposed Microsoft settlement as outlined in the Tunney Act. I have read over Dan Kegel's comments http://www.kegel.com/remedy/letter.html and I find that I am in agreement with them. I have also mailed Mr. Kegel and indicated my willingess to be to be a cosigner of his letter.

It is clear to me that the settlement represents a sudden and drastic change in direction towards the resolution fot he Microsoft case. It is cowardly and insincere to aggressively and successfully pursue a (just) decision against Microsoft, and then suddenly back off with a toothless settlement. This change in direction is clearly due to the politics and policies of the Bush administration.

In my limited understanding of our political system, this seems to indicate that the independence of the judical branch of the goverment has been compromised in some way. This has much greater impact on American society than the Microsoft case itself. I believe that most Americans who understand the actual issues surrounding this case are deeply troubled by the proposed settlement and would like to see one which addresses Microsoft's practices with remedies that will end their monopoly. The proposed settlement is a sellout which will undermine the peoples'' faith in the ability of our goverment to act in the interests of the American consumer.

Thank you for your attention to this matter.

Sincerely,
Stephen Degler
PO Box 707
Philmont, NY 12565
CC:senator@clinton.senate.gov@inetgw

MTC–00026961

From: Ashley Grayson
To: Microsoft ATR
Date: 1/27/02 4:32pm
Subject: Microsoft Settlement

Dear DOJ:

I understand that according to the Tunney rules I can comment on the DOJ settlement with Microsoft.

As a long time Microsoft customer, who has used a wide variety of their products, I can say that the settlement is a very bad idea. Microsoft is a ruthless monopoly and predatory organization that has set back the progress of American innovation by ten or more years. Unchecked, Microsoft will continue to abuse consumers and think of itself as outside the law.

The DOJ should rethink the settlement and act quickly to break up Microsoft.

Regards,
Ashley Grayson

MTC–00026962

From: dgcj4
To: Microsoft ATR
Date: 1/27/02 4:32pm
Subject: Microsoft settlement

Now we have another COMPETITOR wanting to use our tax money to fight their market fight. How long is the government going to allow this fiasco to continue? A reasonable settlement was at hand and it seems those groups that are looking to wrench money for themselves out of the whole affair are allowed to continue to drag this on. Competitors continue to use litigation and the government to impede competition and innovation for us , the consumer. AOL paid $10 billion for Netscape, they obviously saw current value but did nothing to enhance or innovate its services and they wonder why it could not compete. The government needs to end this Microsoft thing and let the marketplace to resolve consumer choice between competitors by itself. Some will survive and others who cannot provide a service wanted by consumers, such as integration of software capabilities, or who cannot offer sufficient support will not.

MTC–00026963

From: ROY C HENDERSHOT
To: Microsoft ATR
Date: 1/27/02 4:33pm
Subject: Microsoft Settlement

This litigation against Microsoft is at the point of lunacy. It is time to STOP, END IT, and keep the American public from having to continue to pad the lawyer's wallets (through government channels) of those trying to destroy Microsoft, ie, their competitors. Keep the proposed settlement where it is.

R.J.HENDERSHOT
Arizona

MTC–00026964

From: Dan Copeland
To: Microsoft ATR
Date: 1/27/02 5:26pm
Subject: Microsoft Settlement

Two federal courts have declared that Microsoft is an illegal and anticompetitive trust and in violation of the Sherman Act. Microsoft continues to extend its anticompetitive behavior with the introduction of its .NET initiative, Passport and other information-hoarding schemes, and the integration of such technologies with Windows XP.

The currently proposed settlement is an insufficient remedy. I urge the Department of Justice to abandon the settlement in favor of one which addresses the problems outlined in the original Findings of Fact.

Daniel P. Copeland
2 Vulcan Stairway
San Francisco, CA 94114
(415) 522–6676

MTC–00026965

From: Peter Sanders
To: Microsoft ATR
Date: 1/27/02 4:34pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I am against the current proposed Microsoft settlement—It does not provide any remedy to the continueing and systemic antitrust violations that Microsoft has committed over the past 10 years, nor does it promise to prevent any future violations.

The proposed settlement does nothing to address the ''Microsoft tax'' present on the vast majority of PC systems available for purchase on the market. It is impossible to purchase a non-Windows system in any mainstream retail store in any area that I have researched.

Sincerely,
Peter Sanders

MTC–00026966

From: Stan Novacki
To: Microsoft ATR
Date: 1/27/02 4:38pm
Subject: Microsoft Settlement

I would like to state that I am opposed to the proposed settlement of the Microsoft anti-trust case. I believe that the proposed settlement does not adequately ensure that Microsoft's anti-competitive behavior will be curtailed, let alone eliminated. By failing to restrain Microsoft's repressive actions, emerging technologies which promise to promote technological progress and foster consumer choice are still prey to Microsoft's systematic and illegal elimination of threats—whether real or merely perceived—to its monopoly in PC operating systems and applications.

Thank you for the opportunity to express my concerns.

Stanley M. Novacki, III
4640 5th Street South
Arlington VA 22204
snovacki3@yahoo.com

MTC–00026967

From: Andrew Puplis
To: Microsoft ATR
Date: 1/27/02 4:38pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear. Ms Hesse: This comment is in response to proposed Settlement between the US Department of Justice and participating states, and Microsoft. For the following reasons, the settlement should be rejected Section 3(b) only covers the top 20 OEM's. All other OEM's are not subject to pricing protections. This appears to create a high market entry barrier.

Section 3(c)(1): Allows Microsoft to prevent the display of Middleware icons, menus, etc. by other manufacturers as long as they similarly prohibit their own display of Middleware. This exception essentially allow Microsoft to maintain the status quo by disallowing other middleware manufacturers from displaying their icons. Consumers not aware of another choice will choose Microsoft.

Section 3(c)(2) Allows Microsoft to prevent the display of non-Microsoft middleware displays if they do not impair the functionality of the user interface. However, the decision if the user interface is impaired seems to be left up to Microsoft to determine.

Section 3(c)(3) requires that non-Microsoft Middleware providers make their icons of a similar size and shape as Microsoft's. This restriction seems to rekindle Microsoft's attempt to obtain copyright protection on utilitarian aspects of the windows interface. This the exact opposite claim they made in Apple vs.. Microsoft. In addition, this requirement seems to expose middleware manufactorers to potential claims for copyright and trade dress violations.

Section 3(c)(5) requires that the OEM comply with reasonable technical specifications established by Microsoft. Has Microsoft published or otherwise released these technical specifications? What is to prevent Microsoft from creating specifications that hinder the operability of another operating system and defend those actions as reasonable for the functionality as they have historically done to prevent Non-Microsoft Middleware?

Section 3(e) requires the availability of a communications protocol to allow interoperability with Windows. This won't be made available for another nine months after the submission of the proposed final judgment. Nine months in computer industry is an eternity. Microsoft has already shown its aggressiveness in this area. Allowing a nine month ''buffer'' before communications protocol is made available will give Microsoft additional time to shore up a monopoly over Middleware. In addition, the settlement agreement fails to provide the conditions under which the communications protocol. It is assumed that it will be provided under a confidentiality agreement. However, Microsoft may institute more restrictive terms under the guise of security that will render the availability moot. Indeed, other portions of the Settlement allow Microsoft to withhold information based on security concerns. This leaves Microsoft with the ability to restrict communication protocols to the point that they are useless.

Section 3(h)(3) Allows Microsoft to alter icons, start menus, etc. of non-Microsoft Middleware providers 14 days after bootup of a new PC. Most computer users are not technically proficient to understand the impact of changing the Middleware applications that lets them browse the

internet, view pictures, play music, etc. In addition, 14 days may not be long enough for a new computer user to understand what middleware is and how it interrelates with what they view, listen to, etc.

Section 3(h) allows Microsoft to prevent non-Microsoft Middleware from contacting Microsoft Servers.This section essentially eliminates the force of the Settlement. Users who normally use Non-Microsoft Middleware must use Microsoft Middleware (including web browsers) in order to contact Microsoft for updates, security patches, or other information from Microsoft. Because of Microsoft's lackluster security, contacting Microsoft's servers is almost a weekly event. Users will eventually choose the path of least resistance because of the need to constantly contact Microsoft servers. It seems that Microsoft's lack of security can be used to their advantage. In addition, this section fails to address Microsoft's .NET strategy (which will likely be defined as outside the context of general web browsing by Microsoft). This Settlement should act prospectively to prevent future harm, not retrospectively to address issues that are already moot.

Section 3(h) Also allows Microsoft to prohibit Middleware that fails to implement a reasonable technical requirement. This section allows Microsoft to prohibit any Middleware that it doesn't like. Meaning, that Microsoft can require the Middleware to use proprietary Microsoft technology for which is may charge additional (and perhaps cost prohibitive) fees. This also, has the side affect of allowing Microsoft to further close competition in the computer industry by imposing proprietary technology. Section 3(h) allows Microsoft to refuse to disclose API's or Communications Protocols to those may compromise the security, anti-virus, anti-piracy, etc. This term allows Microsoft to refuse to provide API's or Communications Protocols under the guise of security, functionality, or rights protection. Again Microsoft could utilize this provision to refuse to provide Communication Protocols to potential Middleware competitors using these excuses. Section 3(h) also leaves it up to Microsoft who may obtain the API's and Communication Protocols. In addition, Microsoft may test the proposed Middleware for compatibility. However, there seems to be no procedure and standard for evaluating what Microsoft can choose to reject and on what grounds. The vague term ''functionality'' has been used throughout this Settlement without definition other than that Microsoft gets to decide what it is. General Comments: Many terms of the Settlement leave it up the reasonableness and discretion of Microsoft. This seems foolhardy because the very reason this lawsuit and proposed Settlement exist is because Microsoft has historically acted unreasonably and in bad faith against potential competitors. Therefore, leaving so many decisions to the discretion of Microsoft with regard to what their competitors may or may not do is (for lack of a better term) idiotic. In addition, their stall tactics and unreasonableness in court proceeding indicate they will stretch the Settlement terms to their logical extremes in order to continue to operate ''business as usual.''

It seems that the Department of Justice's stance on the Microsoft case has changed with the changing of Presidential administrations. The Court of Appeals has ruled Microsoft a Monopoly, yet the Settlement terms are surprisingly light on Microsoft and don't address prospective behaviors. It leaves most important decisions to Microsoft and limits who may enforce the Settlement to the Department of Justice, whose it under scrutiny from the industry and political organizations alike. Indeed, a non-profit Antitrust group may be filing suit because Microsoft and the Department of Justice failed to disclose all communications regarding the proposed Settlement. In addition, private organization are filing suit against Microsoft (e.g. Netscape) because they view the settlement as ineffectual. While these allegations may or may not be true, these facts raise suspicions that the term of the Settlement was politically motivated or improperly obtained by Microsoft.

Finally, the Settlement contains so many ambiguous terms and loopholes that additional lawsuits will be inevitable. However, this Settlement will limit those suits and who can bring them without addressing the illegal conduct of Microsoft.

Respectfully Submitted,
A. Ryan Puplis, esq.
2246 West Armitage
Chicago, IL 60647

MTC–00026968

From: Jack Wilson
To: Microsoft ATR
Date: 1/27/02 4:40 pm
Subject: Microsoft Settlement

I have worked in the computer industry for many years including several years where I worked directly with Microsoft software developers. Microsoft executives have demonstrated multiple times that nothing less than a breakup of the company will stop them from breaking the antitrust laws.

Sincerely,

MTC–00026969

From: Ray (038) Roberta
To: Microsoft ATR
Date: 1/27/02 4:42pm
Subject: My opinion

Please consider my opinion in the Microsoft matter, attached.

Thank you.
10950 Fury Lane
La Mesa, CA 91941
January 11, 2002
Attorney General John Ashcroft,
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing in response to the outcome of the Microsoft antitrust suit brought on by the Department of Justice. In my opinion, the case was without merit. I do not believe Microsoft infringed on any antitrust laws, either at the state or federal level. Likewise, I am adamantly opposed to any further legal action taken against Microsoft. I am, however, delighted to see the issue laid to rest. In this sense, I am satisfied with the settlement reached last November, and I hope that it will be enacted both nationally and eventually in the State of California. As such, I would appreciate it if you would press Attorney General Lockyer to become a party to the settlement.

Despite the unwarranted nature of this case, Microsoft has been willing to incur penalties in the interest of resolving this dispute. Microsoft has agreed to share information about the internal workings of the Windows operating system with its competitors. This disclosure of information will enable competing software designers to replace their own programs where Microsoft programs have been. Licensing of Microsoft's Windows system has also been guaranteed at a constant cost. Thus, computer makers will be able to receive the popular OS at equal prices across the board. Thus, the settlement is constructed to give Microsoft competitors access to formerly protected information.

These compromises are enormous. Yet, I will begrudgingly accept these terms as long as it ends this relentless persecution of Microsoft.

Sincerely,
Roberta Wisniewski

MTC–00026970

From: Fern Egurin
To: Microsoft ATR
Date: 1/27/02 4:45pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am a retired schoolteacher who uses Netscape software, and I fully support Microsoft in the antitrust case brought against it by the U.S. Government. I have never been restricted in what type of software I should use, nor have I been restricted in what type of computer to use. This case will enhance growth for competitors in several ways: Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows. In addition, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

If a general consensus was taken regarding this case, I believe most would agree that Microsoft's business practices were fair and above board. People are concerned with two issues when comes to the IT industry...service and price. Please accept the proposed settlement so that Microsoft and consumers can put this issue behind them.

Sincerely,
Fern Egurin
8970 South Hollybrook Boulevard
Pembroke Pines, Florida 33025

MTC–00026971

From: chersouth@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/27/02 4:41pm
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,
Cheryl Southwick
326 Wauwinet Rd
Barre, MA 01005

MTC–00026972

From: Edward A. Simmons
To: Microsoft ATR
Date: 1/27/02 4:45pm
Subject: Please consider this carefully!
Greetings!

I debated this for a long time, before finally deciding to say something on this subject of Microsoft vs. DoJ. See, I am so disappointed the DoJ has completely and utterly failed the public it represents with this ''alleged'' settlement with Microsoft. As sad as it appears to be, if you have money and a monopoly you can do whatever you please, buy whomever you want. Here we have a totally unrepentant Microsoft dictating what the terms of settlement are. Microsoft needs to be stopped if there will ever be any claims of justice in our judicial system. Will my letter make a difference? Will my plea fall on deaf ears? Will my faith be restored in our justice system? As important as justice is, it should never be rushed for the sake of convenience of the court. I'm appalled at the idea that the events of Sept. 11, will even suggest that this case be expedited. What an absurd idea. I am stunned speechless this attitude, or the appearance thereof exists in this current court. Like any American, I am deeply saddened by the 9/11 events and my hearts goes to the families of those affected by it. Here on the other hand, we have Microsoft enjoying the fruits of it's monopoly prior to that event, and indeed long after. Think carefully about what is at stake here.

What actions would I like to see in regard to making things right again? Start with stopping Microsoft from forcing OEMs to pre install it's OS on all new computers. If an OEM wants to sell a Microsoft product, do it separately and fully disclose the costs. As a consumer, I don't want to pay Microsoft for an OS I don't need or want. There's something badly wrong in this country when a convicted monopolist can force OEMs to pre load products, and our judicial system turn it's head. Thanks for taking the time to read this. Do not neglect your responsibility to the citizens of this great nation.

Edward A. Simmons
(937) 321–8266

The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark.

MTC–00026973

From: Elaine Kurlander
To: Microsoft ATR
Date: 1/27/02 4:47pm
Subject: Attorney General John Ashcroft
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I would like to give you my thoughts on the Microsoft Anti-Trust case. I have been following the case and am very happy that this settlement has been reached.

I use Microsoft on a regular basis and am very happy with their products. I've never been prevented from using other products. I just haven't wanted to. But as part of the settlement, Microsoft is allowing other products on their Windows software. They have also made it easier for other companies to compete with them by handing over some of their technology secrets. When these companies come up with products competing with Microsoft, Microsoft has even agreed to not use ordinary normal business tactics to retaliate in the spirit of free competition. I hope that the Federal Government can set a positive example for the states still pursuing this mess.

Please maintain this settlement to help our economy in these difficult times.

Sincerely,
Elaine Kurlander
3314 Midfield Road

MTC–00026974

From: jjpilger
To: Microsoft ATR
Date: 1/27/02 4:50pm
Subject: Microsoft settlement
5035 Pine Bark Circle
Atlanta, GA 30338
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Mr. Ashcroft:

I favor the settling of the Microsoft antitrust case. I firmly believe that this litigation is not in anyone's best interest and would have not been brought except for the actions of the company's principle competitors, Sun Microsystems and Oracle Corp.

Who has been harmed? Not the users of personal computers. My life, for example, has been made much easier because of Microsoft's products. As to the charges that Microsoft engaged in anticompetitive behavior, government should expect ferocious fights among major enemies, stand aside and let the best win. Sadly, when the competition couldn't win in the marketplace, they took to the political arena. And a search will reveal that Mr. Scott McNealy and Mr. Larry Ellison are no strangers to practices that they condemn in others. The pot calling the kettle black, if you will.

Both of the above men would better serve their respective companies and the American public at large, were they to devote their full time and energy into improving their products rather than lying awake dreaming up new diatribes against their more successful competitor, Microsoft.

In closing, please note that I am not a shareholder in any of the above firms. I ask, please conclude this needless prosecution.

Sincerely,
(signed)
John J. Pilger
(770)391–0842

MTC–00026975

From: ??
To: Microsoft ATR
Date: 1/27/02 4:49pm
Subject: Microsoft Settlement

The original settlement between Microsoft and the government in November of 2001 was one in which Microsoft decided to give the government a certain amount of money, agreeing to change some of the ways the company runs. Microsoft was convicted by the government of breaking antitrust laws. Some states are still against Microsoft being a monopoly. There is a question of whether or not Microsoft really is a monopoly. The Sherman Antitrust Act of 1890 prohibited what Microsoft is said to be doing now, which is being a monopoly.

I believe that Microsoft really is abusing its power. They have provided every Microsoft computer with Internet Explorer, which really is being too competitive. I believe that the government should not have allowed Microsoft to make a settlement because now we see how competitive Microsoft really is. In November of 2001, the government should have sued Netscape to the full extent. The settlement offered by the government was wrong I believe because it let Microsoft off the hook too easily.<?xml:namespace prefix = o ns = ''urn:schemas-microsoft-com:office:office''/>

Netscape was right to have sued Microsoft otherwise this case with Microsoft would have never ended. Netscape was bought by AOL Time Warner, another company that has been in controversy with Microsoft, in 1999.

The Sherman Antitrust Act prohibited exactly what Microsoft is doing now. It said that there should be no more monopolies. The question is however: is Microsoft really a monopoly? Also, monopolies began at the start of Industrial America after the Civil War. John D. Rockefeller said that one of the disadvantages of monopolies is that ''...the power conferred by combination may be abused...'' (John D. Rockefeller on Industrial Combinations. From U.S. Industrial Commission. From Preliminary Report on Trusts and Industrial Combinations. 1st Session of 56th Congress. (Dec. 30, 1899). This was a quote from a commission-like interview.]

From:
Irine Tyutereva
8th Grade—The Harker School in San Jose, CA

MTC–00026976

From: David Pihl
To: Microsoft ATR
Date: 1/27/02 4:52pm
Subject: Microsoft Settlement

For years, I have observed Microsoft from the perspective of an industry insider, and a

consumer. Mr. Gates is often credited with the very notion that software should be a protected intellectual property. Yet Microsoft has consistently violated the intellectual properties of others, such as the developers of Stacker.

Whatever technicalities have allowed Microsoft to steal key elements of the Macintosh operating system, Netscape, DOS, etc., it is clear that they never intended for the rules to apply to them.

If it were up to me, I would order many of Microsoft's existing intellectual properties (copyrights, patents, trademarks, sourcecode, etc.) into the public domain. This would not prevent them from developing new, innovative technologies which they can patent, copyright, or protect in other ways.

This would also not dissalow Microsoft from selling the products they presently manufacture, as in the case of Caldera, or of Red Hat Linux. Anyway, it's something to think about.

MTC–00026977

From: Edward B. Riggio
To: Microsoft ATR
Date: 1/27/02 4:53pm
Subject: Microsoft Settlement
To: US DOJ
It is time to finalize the Microsoft Settlement.

Lets not prolong this expensive Microsoft settlement any further. The actions agreed to by Microsoft, Justice Department and nine states including New York where I live, are fair and good for consumers.

AOL is trying to gain a competitive edge by delaying the settlement. They have no case. We need to get on with strengthening the economy and one way to do this is to finalize the Microsoft Settlement by February 1, 2002.

Respectively,
Ed Riggio
Woodstock, NY 12498

MTC–00026978

From: Mary Brislawn
To: Microsoft ATR
Date: 1/27/02 4:52pm
Subject: Letter Please read attachment. Thank You
1108 Z Street
Vancouver, WA 98661
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Attorney General Ashcroft:

The intention of this letter is to give my support to the settlement that was reached between Microsoft and the Department of Justice last November. The antitrust suit went on for over three years and cost the Microsoft Corporation and the government millions upon millions of dollars.

Microsoft has been a major benefit to the economies of Washington and the United States. It has created a huge number of jobs, and has made our IT industry the world's gold standard. There are terms in the settlement that go beyond what was at issue in the lawsuit, especially the terms that makes Microsoft develop Windows differently in the future. It will be designed to make it easier for competitors and consumers to remove various facets of the operating system.

At the conclusion of this comment period, I hope you will give your approval to the settlement in the Microsoft case.

Thank you.
Sincerely,
Mary Brislawn

MTC–00026979

From: John Thomas
To: Microsoft ATR
Date: 1/27/02 4:55pm
Subject: Microsoft Settlement

My name is John Thomas, and I am an 18-year-old American citizen residing in North Carolina. Having reached the milestone year, I think I've finally earned the right to voice my opinion and have it matter.

Regarding the antitrust situation with Microsoft corporation, I think that the government is taking the wrong tack. To the average American consumer (a category into which I place myself), it would appear that our government is making him into a helpless victim, one who cannot even choose correctly the software for his computer that would be most beneficial to his work or pleasure. Perhaps I'm completely wrong, but it just seems to me that the government doesn't have the right to decide what can be in my computer or not. After all, I built it. I paid for the components and screwed them together. I paid Microsoft $99 for the upgrade to Windows 98 and I use it for hours per day. At my job at a therapy clinic, I benefit from Microsoft Excel spreadsheets and Microsoft Word's easy-to-use word processing software.

This case would seem to be a gross miscalculation on the government's part. If I could point your attentions to the fact that the antitrust complaint originated with some of Microsoft's more unsuccessful partners, realize that this wasn't a cry from the people, or from the people Microsoft partners... this was an attempt to lash back at the successful company by its competitors left in the dust. It seems completely illogical and unjust to allow the men whose businesses failed in this particular market to set the regulations for those who have not, like Microsoft corporation. One question weighing most heavily on my mind is, how can a successful business AND its useful products be a threat to anyone? After all, if one doesn't like Microsoft's products, one doesn't have to use them. I am, after all, also an avid Linux user. If I so chose I could stop using all Microsoft products permanently. However, I choose not to because they are useful, easy to use, and most efficiently get my daily tasks taken care of. I don't see a threat here. I see a businessman, Bill Gates, helping the world to run more smoothly and efficiently, as well as making himself quite a living in the process.

Speaking of Bill Gates, I grew up as a teenager hearing about his rise to one of the richest men in the world. This case would seem to suggest that those who are successful are put on a leash, with a choke chain attached. I've noticed this with the income tax as well. Sitting as I am in the lowest tax bracket and thus paying the least percentage of my income, I still find it unjust that those who are more successful than I, must pay a greater percentage of their income. Correct me if I'm wrong, but growing up I'd always thought that America was supposed to be free. I want that free America—an America where I, with my considerable intelligence and a liberal dose of plain old hard work, could maybe BE the next Bill Gates.

But why would I WANT a successful business? This case seems to demonstrate the truth of the maxim that if my business fails, I can bring down my successful competitors out of spite. How dare they rise above me. How dare they be successful where I was not. How dare they offer a superior product, and charge what it's worth. How dare they take advantage of a free market.

A free market. Isn't that what we're supposed to have here in America? At the very least, that's what they've been teaching me in these public schools from which I so recently graduated. It would seem to me that in a free market such as the one we have in this wonderful country, that Microsoft corporation— just the same as myself—has a fundamental right to its property. Correct this high-school graduate if I'm wrong, but I think the government is supposed to protect the rights of all citizens to their life, liberty, and property. It looks to me like we're robbing Bill Gates of his life, because we're taking his business... and his liberty, because we're shackling him and his freedom to run his business as he sees fit... and his property, in the form of this unjust and illogical antitrust case.

Thank you for your time in listening to my voice. It is, after all, 1/270,000,000th of this country.

John J. Thomas
CC:activism@moraldefense.com@inetgw,jkaxiom3@aol.com@...

MTC–00026981

From: Anastas Pazevic
To: Microsoft ATR
Date: 1/27/02 4:56pm
Subject: Microsoft settlement

I urge you to quickly ratify the Microsoft settlement. Further lawsuits by various states will only benefit lawyers and foreign competitors who would be the 0nly benefactors in the demise of our wounded economy. We need strong, competitive and innovative Microsoft Corporation. We, the retired, are most grateful to Microsoft and its contributions to America and we wish this witch hunt to stop. Thank you for considering.

Anastas J Pazevic
Anastas Pazevic
anastasjp@earthlink.net
EarthLink: It's your Internet.

MTC–00026982

From: lin—da2001&fxsp0@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:53pm
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,
Linda Rivera
12270 SW Center St. #114
Beaverton, OR 97005

MTC–00026983

From: sbates1906@aol.&fxsp0com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:55pm
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,
Shirley Bates
1906 Leavenworth
San Francisco, CA 94133

MTC–00026984

From: Patrick Fleming
To: Microsoft ATR
Date: 1/27/02 5:08pm
Subject: Microsoft Settlement
Department of Justice,

Regarding the proposed settlement of the current Microsoft antitrust suit I believe that the penalties proposed are too light and will force the government into further court cases with Microsoft in the future. When choice is taken away from the consumer, as in this case, we are harmed. As the past behavior of Microsoft shows, they are not interested in the consumer, only in increased or maintained market share. In 1994, Microsoft moved to shut Netscape out of the browser market- not through increased performance and enhanced abilities, but rather through restrictive licensing practices forcing OEMs into installing only Internet Explorer on Windows operating systems installed by the OEMs. Today, on Microsoft's own website it is declared, ''Windows 2000 Professional is designed to make it easier for organizations to embrace the Internet. The built-in Internet Explorer (IE), a tightly integrated browser, provides users with a faster and richer Internet experience. With support for Dynamic HTML (DHTML) and Extensible Markup Language (XML), it offers a powerful platform for developers to create highly scalable end-to-end e-commerce and line-of-business web applications.'' This appears to be in clear violation of past consent decrees regarding Windows and the Internet Explorer software. They have expanded the hold on the browser market by implemented unwritten, undocumented, protocols and extensions into Front Page that did not, and still do not, display correctly using any browser except Internet Explorer forcing web surfers to use IE when viewing pages written using Front Page. The resulting statistics gathered by web site owners and operators shows a decided advantage to IE and leads to reduced standards coding and towards IE specific coding- a self-fulfilling prophecy. The more IE specific the coding the higher the percentage of users will use IE to view the page driving the statistics higher still on IE causing programmers to believe (if they only look at their own stats) that IE is the predominate browser. MS account executives are able to convince technology purchasers that the only web server viable is the current offering of Windows 2000 running Internet Information Server 5.0 since statistics show IE as the highest used browser and W2k/IIS5 as the only server capable of using the proprietary extensions of all those IE browser users. Eventually this circular logic begins to lock in the browser and then the server market, standards fall by the wayside, and users of other browsers find that they are unable to view a larger and larger percentage of web sites without using the operating systems and browsers provided by MS.

It is no great leap to imagine that Microsoft will not follow the latest settlement as written (even though it is not very harmful to Microsoft as written) and will continue to move forward ''embracing and extending'' until the operating system encompasses every conceivable function driving out not only potential competing operating systems, but all software manufacturers as well.

Just as we would not want to have a single company supplying our automobiles, computers (without the operating system installed), gasoline, steel, electricity, telephone access, tires (suppose only Firestone tires were available?) we should not want a single company controlling our computers, which web sites we can view, and which software we can use. Allowing Microsoft to maintain their monopoly in the manner prescribed can only worsen the state of computer security, preclude choice to the end user and reduce the overall quality of available products. The originally penalties imposed by Judge Jackson should be reinstated. Microsoft needs to be forced to compete on an even level with Netscape. It should be forced to open all of its APIs to the programing community at large so that all products can inter operate equally with the operating system. Only by having real solutions rather than a slap on the wrist as imposed by this agreement can we be assured that Microsoft is competing fairly, rather than shutting out competitors by hiding parts of its functionality within the APIs. Already MS has integrated the browser into its operating system. When a real threat of an office suite of products emerges will they then integrate MS Office into the operating system as well? The only real solution is to break MS up into the three distinct companies that Judge Jackson proposed forcing equal competition. Oversight of the settlement needs to continue for longer than the five (or seven) years proposed as well. Would the Justice Department have agreed that AT&T not be forced to break up or that they would only be restricted to five years of oversight? I believe not.

Microsoft has been charged with, and found guilty of, seriously damaging customer choice, forcing artificially high prices, suppression of competition and blatantly ignoring their previous consent decree. The punishment should fit the crime.

Patrick Fleming,
Consumer

MTC–00026985

From: BatVomit@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:59pm
Subject: Microsoft Settlement

I feel that the proposed Microsoft settlement is a bad idea. This settlement is a mere slap on the wrist and will not prevent Microsoft from continuing the break the law in the future.

MTC–00026986

From: Adrian P. Sinnott
To: Microsoft ATR
Date: 1/27/02 5:00pm
Subject: Microsoft Settlement

I would like to voice a complaint against the proposed Microsoft settlement.

Microsoft has bullied there way through the computer market and now truly has everyone by the short hairs. After reviewing the current settlement, I find it woefully inadequate.

Regards,
Adrian P. Sinnott

MTC–00026987

From: Jack Lloyd
To: Microsoft ATR
Date: 1/27/02 5:03pm
Subject: Microsoft Settlement

Hello,

I belive the PFJ is insufficient to prevent future monopolistic actions on the part of Microsoft. Of greatest concern for me is Microsoft's use of frivoulous patents and/or abuse of the copyright system to prevent reverse engineering to allow for interoperable products. I feel this is a certral issue with the problem which should be better dealt with.

Sincerely,
Jack Lloyd
Johns Hopkins University

MTC–00026988

From: Salzberg, Steven L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 5:05pm
Subject: Microsoft settlement

Dear Dept of Justice:

I think the proposed settlement with Microsoft is bad for the country, bad for the

computing industry, and bad for business worldwide.

I have been watching Microsoft grow since its founding when I was a computer science Ph.D. student, and I can honestly say that I do not know of a single major innovation they have introduced. Their claim that they just want to be free to innovate is nonsense. Their strategy is to copy what works and then use their monopoly to destroy the competition. What we end up with is inferior products with no choice. It's really unfortunate. Breaking up the company is the obvious and best choice for solving the problem: the operating system needs to be sold by a completely separate unit. Only then might we have a hope of seeing some true competition.

I urge the DoJ to reject this settlement.

Steven Salzberg

Steven Salzberg, Ph.D. Email: salzberg@tigr.org

Senior Director of Bioinformatics http://www.tigr.org/salzberg

The Institute for Genomic Research Ph: (301)315–2537 Fax:

(301)838–0208

9712 Medical Center Drive, Rockville, MD 20850

Research Professor, Dept. of Computer Science, Johns Hopkins University,

Baltimore, MD 21218

MTC–00026989

From: Anthony Mirvish
To: Microsoft ATR
Date: 1/27/02 5:10pm
Subject: Microsoft Settlement

Dear sir,

I am writing in connection with the proposed settlement of the Microsoft anti-trust case and to voice my support for the complete vindication of Microsoft and its policies. In reaching your final decision on the disposition of this case I would encourage you to consider the following points.

a.. The anti-trust laws are based on a fundamentally false and reasonable view of so-called ''perfect'' competition.

b.. Under this view, companies that actually attempt to change market conditions i.e. to compete, can be charged with anti-competitive measures.

c.. Competition is dynamic; no particular configuration in the market at any one time is fixed. If some new product that made personal computers obsolete were developed, Microsoft would not be able to give its products away. If it anticipated such a development, it would have every right to them.

d.. Companies can be prosecuted for raising prices, lowering prices, holding prices firm, entering into agreements with other companies, and for improving the efficiency and quality of their products (as in US versus Alcoa).

e.. This creates arbitrary and essentially ex post facto laws, preventing companies from knowing in advance when or if particular measures will cause them to violate the anti-trust laws.

f.. It is unjust to attempt to apply laws whose basic concepts are unreasonable, whose application is arbitrary, and which (if viewed as ex post facto laws) unconstitutional.

g.. The historical basis for the anti-trust laws is false.

h.. Even the great so-called monopoly cases of the early 20th century (esp Standard Oil) misrepresented the operations of the market.

i.. In most cases, asymmetrical competition and the effect of different products have been ignored.

j.. In Standard Oil, the enormous financial gains of entering the oil market had already brought Standard's share down to 60% (and dropping) at the time it was broken up.

k.. An industry consisting of a few companies, making marginal changes in price and market share, is not an example of competition.

l.. True competition and innovation (which Microsoft is alleged to have stifled), involve the development of different products, not complaints about being unable to offer a similar but inferior product (which is what Microsoft's competitors desire).

m.. Microsoft has made an enormous investment in developing good quality products.

n.. There are several other operating systems and browsers on the market. No one is prevented from using them. Bill Gates did not stop Linux from developing.

o.. In areas where Microsoft's products are less than perfect (for example, I prefer WordPerfect to Word), choosing competitor's products produces no ill-effect. If I tried to not pay taxes for a year, the effect would be different. This is the difference between true coercion and having to make a choice in the market.

p.. More than 95% of all anti-trust cases are brought by competitors of the company being sued.

q.. Anti-trust encourages political/judicial resolution of market competition. PACS and donations to political from technology companies have skyrocketed since this case was brought.

r.. One may disagree with Microsoft's concept of bundling its products with its operating system, but it is a perfectly reasonable and innovative concept of how software should operate. It is distinct from that offered by Microsoft's competitors.

s.. None of Microsoft's competitors have behaved as if they really want to compete i.e. by developing superior or fundamentally different and innovative products and then marketting them.

t.. None of Microsoft's competitors have been willing to accept the voluntary decision of millions of satisfied customers, all of whom have accepted and seen merit in Microsoft's products (and in its concept of bundling them with an operating system).

u.. It is wrong to force individuals to subsidize or support the products of companies that they have already rejected.

v.. Individuals (and by extension companies) have a right to their own property. This means that they have a right to determine the terms on which those products are developed or sold.

w.. The right to own property means the right to use and dispose of it—this involves the right to make contracts, and contracts are inherently exclusionary in that they are between a finite number of parties.

x.. If wealthy private individuals like Mr. Gates do not have a right to their own property, which they have built-up and earned lawfully, or to hold it only by political sufferance, then none of us ultimately have a right to our own property.

y.. No one is supposed to lose their rights just because they are rich and successful. No part of our constitution says otherwise. It speaks of equal protection for all.

z.. No one has a right to another person's property, person, time or good opinion. aa.. There is no such thing as a right to a particular market share other than the one that one has earned.

ab.. There is no such thing as a right to immunity from failure or from the effects of poor business decisions (or to the consquences of superior decisions made by others).

ac.. There is no such thing as a right to a given product, at a given price, at a given time. Consumers have only four honest choices in a market: buy what is offered on the terms set by the seller, do without the product, purchase another product (if available), persuade the seller to change his terms (perhaps by using less). There is also the option of developing a competing product. Microsoft's ''competitors'' have been unwilling to truly do the latter and refuse to accept the judgement of millions of satisfied customers.

ad.. Microsoft's ''competitors'' should not be allowed to profit through the courts when they have failed in the marketplace.

Sincerely,

Anthony Mirvish

CC:activism@moraldefense.com @inetgw,letters@capitalis..

MTC–00026990

From: somdbob@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:07pm
Subject: Proposed Microsoft Settlement

Folks at DOJ

Please leave the proposed settlement as is. It's fair to all concerned, including senior consumers. It's time to move on.

R. Waddington

5207 Acorn Drive

Camp Springs, MD 20748

MTC–00026991

From: Bill Dennis
To: Microsoft ATR
Date: 1/27/02 5:05pm
Subject: Microsoft Settlement

Lawmakers:

I hope that you will reject the Tunney Act settlement in the United States vs. Microsoft antitrust lawsuit. I believe that this settlement will only cement Micosoft's stranglehold on PC development by creating a new generation of children who are taught to believe that a computer always runs Microsoft Windows. They will just grow up believing in whatever their teachers show them on Microsoft powered PC computers.

Thanks,

Bill Dennis

904–268–3359

billden@mediaone.net

www.jacksonville.net/billden

MTC–00026992

From: Stuart H Van Dyke
To: Microsoft ATR
Date: 1/27/02 5:11pm
Subject: microsoft settlement

This case has gone on long enough. A reasonable settlement has been reached, and the action should not be prolonged to benefit some of the competitors. Let's get on with our business.

MTC–00026993

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:11pm
Subject: Microsoft Settlemen

Gentlemen;

I am against the proposed Settlement with Microsoft. As an independent consultant in Linux I feel that the settlement would have an adverse effect on the open source community.

I also support Steve Satchell as one of the members of the comittee to enforce the terms.

John Fusek
ulspin@visi.net

MTC–00026994

From: Brad
To: Microsoft ATR
Date: 1/27/02 5:15pm
Subject: Microsoft Settlement

I wish to say my opinion about the settlement by claiming it's not enough to stop the Microsoft monopoly which would continue for many more years if this agreement is approved.

Brad Petrik

MTC–00026995

From: Mr David Sundqvist
To: Microsoft ATR
Date: 1/27/02 5:17pm
Subject: Microsoft Settlement

Dear Department of Justice,

The damage that Microsoft has caused the computer industry is immense. They have, time after time, showed that they will tolerate no competition, and that they are willing to take any measures, legal or not, to crush any apparent competition. Their definition of competition is virtually anyone who makes any significant profit in a segment where they are active.

The result of this is that today, it is virtually impossible to create new consumer software for the PC market. You will not make any profit from it, because if you make a successful product your best bet is to get bought by Microsoft and maybe regain what you spent on development. The alternative is that they copy the product and ''integrate'' it in Windows (also known as dumping) and kill off your buisness. An industry where your only place is to be a risk taker for a monopoly is not a healthy industry. They are on their way to do the same thing with the server market. This time leveraging the desktop monopoly, making sure that the deals for the desktop becomes painful if companies do not buy the server products.

The remedy in the settlement is not enough. It is not a significant deterrent to prevent further illegal practices, nor does it adress the structural damage to the industry that their practices have resulted in. The courts and the department of justice must not allow lawbreakers to profit from their illegal actions and sneer at the legal system in the way that Microsoft has done.

Please make sure that crime does not pay. This settlement does not do that, because the ''pay'' for this crime ranges in the hundreds of billions of dollars, and unless stronger remedies are used the illegal practices will continue.

Best regards,
David Sundqvist
Pia Roennqvist

MTC–00026996

From: Shawn MacDougall
To: Microsoft ATR
Date: 1/27/02 5:14pm
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 the belief of many in the education and technology fields that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by proliferating the use of their operating system and attendant application programs to the exclusion of very viable software alternatives. Students in American public schools can only learn to use computers, an essential skill for the coming generation, on the products provided to them.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step.

The present savings represent its use in their servers only. http://opensourceschools.org/article.php'story=20011207001012102 In Brazil, Rio Grande do Sul's state university has saved about $500,000 using a free alternative to software running with Microsoft's proprietory database system. Using the free, open source database called SAGU, the school and 5 branch campuses manage matriculation, grading, scheduling and several other administrative functions. The student computer labs have also saved thousands of dollars using Linux as a replacement for Microsoft Windows. Relicensing fees have dropped dramatically in the three years since switching over to Linux totalling a savings of around $20 million. http://www.businessweek.com/technology/content/oct2001/tc20011025—8523.htm

Microsoft should pay its fine in hardware donations only. Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. Any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software. http://biz.yahoo.com/bw/011120/202744—1.html

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. It is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement. Shawn MacDougall 1331 Terry Ave #705 Seattle, WA 98101 206.652.1492

MTC–00026997

From: bwood@providentmutual.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:17pm
Subject: Microsoft Settlement

I would like to add my voice to the thousands of others who are ready to let Microsoft get back to work. The terms of the proposed settlement seem fair to all parties and best of all, would put an end to this destructive legal hassel. I am an average American working for a living. I use Microsoft products every day and am grateful to the company for all they have done to make our lives better. As owner of a small amount of Microsoft stock, it is hard to see that any good for anyone can come from further legal attacks on Microsoft. Enough is enough.

Bonnie F. Wood
Provident Mutual Life Insurance Company
B3S
Bonnie—Wood@providentmutual.com
610–407–1462
fax 302–452–7264

MTC–00026998

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:21pm
Subject: Microsoft Settlement

To whom it may concern:

I am against the settlement as it currently stands.

John Fusek

MTC–00026999

From: nidia@snio.net@inetgw
To: Microsoft ATR
Date: 1/27/02 5:19pm
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,
maria Belcea
11 Carter Brook Lane
Princeton, NJ 08540

MTC–00027000

From: Dylan Thurston
To: Microsoft ATR
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

To whom it may concern,

I urge you not to accept the proposed final judgement in United States v. Microsoft Corp., Civil No. 98–1232. The proposal is flawed in many ways, as detailed by Dan Kegel <http://www.kegel.com/remedy/letter.html>, who I largely agree with. Let me focus on one particular issue which is not covered by his letter: the terms under which Communications Protocols and other APIs are to be released.

Section III.E of the PFJ provides for the release of Communications Protocols under ''reasonable and non-discriminatory terms''. Similar terms are described in other sections. Such terms exclude an extremely important class of software: free software. Users of free software have the liberty to ''run, copy, distribute, study, change and improve the software'' <http://www.gnu.org/philosophy/free-sw.html>. Documentation released under reasonable and non-discriminatory (RAND) terms is not useful for free software producers: typical RAND terms prohibit public disclosure of the information, but free software is, by definition, distributed with its source.

Lest you think that free software is unimportant, let me note that the protocols at the heart of the Internet and the WWW—including the TCP/IP protocol for routing information, the DNS protocol for distributing domain names, the SMTP protocol for sending e-mail, and the HTTP protocol behind Web pages—were produced using free software and are commonly implemented using free software. For instance, in the domain of Web servers, Apache (a free software project) is in active, direct competition with Microsoft's Internet Information Server. More generally, the GNU/Linux operating system, a free software system, figured promninently in the original trial as an alternative to Microsoft Windows.

The PFJ does nothing to help a large class of competitors to Microsoft: free software projects. Please do not accept it in its current form.

Sincerely Yours,
Dr. Dylan Paul Thurston
Research Fellow
Harvard University
Chung-chieh Shan
Research Assistant
Harvard University
CC:Ken Shan

MTC–00027002

From: Dave Powers
To: Microsoft ATR
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

There is no good reason NOT to break up Microsoft.

Dave Powers

MTC–00027003

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:25pm
Subject: Microsoft Settlement

Dear Sirs,

I am against the settlement as it does not provide adequate protection for the Open Source movement.

John Fusek

MTC–00027004

From: Damien Barrett
To: Microsoft ATR
Date: 1/27/02 5:30pm
Subject: Microsoft

As pointed out by Dan Gillmore, Microsoft has clearly violated parts of the Tunney Act.

Not to mention they've been openly and arrogantly abusing their monopoly power in the desktop market for years.

It's time for the U.S. Government stepped in and forced Microsoft to play fair. I'm getting tired of paying outrageous prices for Microsoft's not-so-great software. Were competition introduced back into the market (were MS to play fair), I'm certain us IT admins wouldn't have to constantly deal with the almost daily vulnerabilities in MS software.

Make Microsoft play fair. Break them up. I don't care as long as the industry continues to improve. With MS in the lead and stifling the innovation of hundreds of technology companies, it's doing little but stagnating.

I wanted to go on record with my viewpoint. I'm hoping that the USDJ gets enough emails to finally take notice of Microsoft's abuses of power and does something to stop this juggernaut of irresponsibility from extending into other markets.

Damien Barrett

MTC–00027005

From: Eloise Knapp
To: Microsoft ATR
Date: 1/27/02 5:32pm
Subject: MICROSOFT SETTLEMENT:

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to discuss my feelings regarding the antitrust settlement that has been reached between the Microsoft and the Department of Justice. I feel that the settlement is more than fair and the matter needs to be wrapped up as soon as possible. Microsoft has even agreed to terms that extend past what was originally in the suit. The damage that has done to the IT industry and the economy is not worth what will come out of continuing ligations.

Microsoft generosity in our area alone (Washington State) is greatly appreciated and much needed. Cut backs with Boeing and the ENRON business—is cutting into small business—having dealt with Enron. This is only the tip of the ice berg in our state. It is now very important, people in this state ban together, to try and keep our economy a-float.

Microsoft support—money and computer supplies—is very important to the area's-areas that otherwise wouldn't have the opportunity to experience the likes of, because lack of state money to support education

- mainly due to the location and size of the county the schools are located in. What I have read and heard
- these are the counties Microsoft seems to reach out to, generously. Not to mention Microsof't generosity overseas.

From what I see—the terms of the settlement are fair; they will benefit the consumer and other companies. Microsoft has agreed to document and disclose for use by its competitors various inerfaces that are internal Windows'' operation system products-a first in an antitrust case. MICROSOFT HAS ALSO AGREED TO LICENSE ITS WINDOWS OPERATING SYSTEM PRODUCTS TO THE TWENTY LARGEST COMPUTER MAKERS ON IDENTICAL TERMS AND CONDITIONS.

Please encourage the Justice Department to put and end to all of this. Thank you for allowing me the opportunity to express my views.

Sincerely,
Eloise Knapp
13730 15th Ave NE
B201
Seattle, Washington 98125

MTC–00027007

From: JNHOFNIC@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:30pm
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 Hall
POB 6733
Marietta, GA 30065

MTC–00027013

From: RDNicks@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:34pm
Subject: Competitors actions

Let's face it, the technology that we are enjoying today would be so disorganized and costly that it would be impossible for the majority to have it available. Microsoft has had the foresight and the where with all to make it work. I can't imagine what it would be like if we had even as few as 5 operating systems to choose from. Every program company would have to develop 5 different programs instead of just one.

We need standards that every vender can work with. Microsoft has established those standards.

The competitors are just wasting the taxpayers money in their pursuit of Microsoft.

If you want to go after monopolies, how about the security industry? Just about every one of the manufacturers of mechanical security devices is, at present owned by two foreign companies. They have even absorbed the trade journals. Most of the manufacturers that have been absorbed date back to the industrial revolution.

Roy W. Nicholas CML
2731 Lynn St.
Bellingham, WA 98225

MTC–00027014

From: Dr. Stephen J. Kennedy
To: Microsoft ATR
Date: 1/27/02 5:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

There is nothing that has done more harm to innovation in computer software than Microsoft.

Microsoft is largely an ''anti-innovation'' company. The development of the company is, is for the most part, based on ruthless, unethical, and probably illegal business practices. The result is that the computer software landscape is now largely the ''dead zone''. Would you like to use a word processor? Sure, no problem, as long as it is MS Word. I still recall how appalled I was the first time I noted the National Science Foundation (the primary federal funding agency for basic research in the physical sciences) was requiring grant applications in WORD! The product of a private company. It was as if giving Microsoft money was an unavoidable tax levied on anyone who wanted to be a citizen of this country. There was a time, which I can well recall, when there was a wide choice of word processing software, both on the DOS (later Windows) and Macintosh side.

Is this because of the inherent superiority of Word? That is laughable. Word has it's adherents but in my opinion is far down the list of good design. After the monopoly was established we entered into the endless cycle of useless upgrades, cleverly insinuated by Microsofts purposeful file incompatibilities.

Another unavoidable tax levied by an entity that is now as powerful (or apparently more powerful) than the federal government elected to represent us all. Other areas, followed the same pattern.

The proposed settlement is an obscene joke and apparently we will have to kill the smothering influence of Microsoft in some other way. I am absolutely opposed to the settlement as described in the press.

Regards,
Stephen J. Kennedy

MTC–00027015

From: Michael Wittman
To: Microsoft ATR
Date: 1/27/02 5:35pm
Subject: Microsoft Settlement

As a software engineer with 11 years experience developing software for Microsoft Windows and other operating systems, I'd like to comment on the Proposed Final Judgement in United States vs. Microsoft. I belive that the proposed settlement is not in the public interest. In fact, it is so seriously flawed and full of loopholes that it would allow Microsoft to continue its anticompetitive business practices virtually unchanged. Even worse, these practices would then have the imprimatur of the United States government, resulting in even less competition in the market for operating systems. Many significant loopholes in the proposed settlement are evident in the definitions of various terms. It is troubling to note that several definitions adopted in the Findings of Fact have been watered down to the benefit of Microsoft. For example, ''API'' is defined in the proposed setttlement to mean interfaces between Microsoft Middleware and Microsoft Windows. However, the same term is defined in the Findings of Fact as the interfaces between application programs and the operating system. Curiously, the latter definition is the one actually used in industry, while the former is the one proposed by the government and Microsoft.

While this difference in definition may seem trivial to layperson, its inclusion would have a very serious effect on the ability to interoperate with software produced by Microsoft. It could permit Microsoft to restrict the release of information needed to use fundamental operating system functions such as application installation, which would make it difficult for parties not favored by Microsoft to compete with its operating system. Another troubling aspect of the settlement also relates to APIs and is detailed in section III. J. 1. It describes exceptions to the required release of API information which would effectively give Microsoft carte blanche to make any APIs it disclosed unusable to competitors. It could do this by integrating encryption or security functionality with any API, even if that functionality was purely superfluous to the main purpose of the API. By integrating this functionality in such a way that it had to be used in order to make use of the remaining parts of the API, the entire API could be made unusable to competitors.

For these reasons and many others, I strongly believe that the proposed settlement is not in the public interest and should be rejected by the court.

Sincererely,
Michael Wittman

MTC–00027016

From: Lord J.A.Cummings
To: Microsoft ATR
Date: 1/27/02 5:40pm
Subject: Microsoft Settlement

Dear Sirs,

To spare you the time of reading again many of the same strong opinions given by others outraged by Microsoft's End User License Agreement, I shall be voicing my opinion by joining those masses in number, in requesting that you please reconsider the leniency against Microsoft in the proposed Antitrust settlement.

Thank you,
Lord J.A.Cummings

MTC–00027017

From: Chris Rotella
To: Microsoft ATR
Date: 1/27/02 5:39pm
Subject: Microsoft Settlement

Microsoft is a convicted monopolist. Why are they getting off with a slap on the wrist? They deserve to be split, completely separating the Applications and OS divisions. Internet Explorer must be removed from the OS. Microsoft is a convicted monopolist. The cost of their monopoly grows each day. How much money has been lost because of the security holes in their products? The number is in the billions.

Microsoft is a convicted monopolist. However, they still continue to leverage their monopoly power so as to control other areas. Witness the bundling of software with Windows XP. Out of the box, Windows XP cannot rip CDs to MP3s. It can however, rip CDs to Microsoft's propriety WMA format. Microsoft is a convicted monopolist. They should be punished as one.

Thank you,
Chris Rotella
Math major
Carnegie Mellon University

MTC–00027018

From: Gary Lindgren
To: Microsoft ATR
Date: 1/27/02 5:40pm
Subject: Microsoft Settlement

Judge Collen Kollar-Kotelly:

From my understanding, the Tunney Act requires full disclosure of all government contacts. Most of the attention has been that Microsoft has been not disclosed all of the lobbying that they have done. But does the Tunney Act also require full disclosure by the supporters of this suit against Microsoft. I am referring to Apple, Sun Microsystems, and Oracle Corp. I believe that these

companies must also disclose all contacts they have had regarding Microsoft. I know that several times, President Clinton stayed at Steve Jobs home while visiting the Bay Area. I'm sure Microsoft came came up as a topic at supper time. Please look into this.

Thank you,
Gary Lindgren
585 Lincoln Ave
Palo Alto CA 94301
650–594–3846

MTC–00027019

From: Shabana Insaf
To: Microsoft ATR
Date: 1/27/02 5:42pm
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 have been a highly satisfied customer of Microsoft products for a decade. I prefer to use the microsoft internet explorer over the Netscape browser, since it is linked to many programs and therefore is very convinient to use. It is beyond my imagination that offering such convinience to customers is unlawful in a country such as America which stands for freedom. It is time we re-examined the anti-trust law structure which allows unsuccessful businesses to force the market down so they can compete. This is not in accordance with the fundamental principles of capitalism. As a consumer, I am appalled that a company that offers it's browser for free is being harrassed because another company wishes to compete by charging for their browser. As a taxpayer, I lose from both sides since my tax money is being used to destroy a company that has served the people of America with its ingenuity and courage. I hope that the department of justice will not commit this act of injustice directed towards microsoft and ultimately towards all the people of America.

Sincerely,
Shabana Insaf
Shabana Insaf
Senior Research Scientist I
Wyeth Ayerst Research
Department of Infectious Diseases Research
Building 222, Room 3149
401 N Middletown Road
Pearl River, NY 10965
Phone: 845–732–2241
Fax: 845–732–5561
E mail: insafs@war.wyeth.com
CC:letters@capitalismmagazine.com@inetgw,activism@mor...

MTC–00027020

From: Jack Benner
To: Microsoft ATR
Date: 1/27/02 5:42pm
Subject: Microsoft Settlement

Dear Sirs,

I believe the proposed settlement is bad idea because Microsoft's domination of the current OS, applications and internet browsers markets is dangerous. Only one microprocessor family is supported. Our infrastructure in the USA is dependent on Microsoft making the Windows OS secure which they have been unable to do even with their latest Windows XP. Make Microsoft share information so that all developers can compete on an equal footing. Make Microsoft enable cross platform sharing of information. Apple, Unix, Linux and any other OS should be able to be good clients and servers in a Microsoft network or Intra/Internet. Finally a provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Thank you,
Jack S. Benner II, PhD
benner@neb.com

MTC–00027021

From: Pat Russell
To: Microsoft ATR
Date: 1/27/02 5:45pm
Subject: Microsoft Settlement

It is time to close this issue, accepting the settlement proposed. Competitors should not be given the opportunity to force the issue to remain in costly litigation.

Patricia Russell

MTC–00027022

From: mayer ilovitz
To: Microsoft ATR
Date: 1/27/02 5:42pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
To: Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under The Tunney Act, I would like to add some comments on the proposed Microsoft settlement.

By this point, you will have received many letters from those who have presented the flaws of the proposed settlement in far more detail and far more eloquently than I could at this late date. However, I feel compelled to to reiterate some of their points. -

The very history of this proposed settlement is disconcerting. It was created by a newly appointed head of the antitrust division of the DOJ and Microsoft's lawyers. By all reports, all the other DOJ lawyers, who had spent years on the case, all the other State's lawyers and their technical support staff were excluded from these proceedings. Though I am not a lawyer, what I have read of the settlement itself and the many reviews about it, the document reads like something that was dictated entirely by Microsoft's lawyers and provides a ''settlement'' overwhelmingly to Microsoft's benefit, and little to no long term benefit for anyone else.

The settlement specifies an enforcement mechanism that for all practical purposes would be toothless. It specifies a three member committee to oversee the judgment. However, Microsoft would have influence over the selection of one (if not two) of the members. This is like asking the fox to guard the hen house. Further their authority would extend only to ''assisting in voluntary dispute resolution''. Worse, according to the settlement, non of their findings or recommendations could be used in court in enforcement proceedings nor would they even be allowed to report any of their findings or recommendations to the Courts or Congress.

While it makes some attempts to address the issues related to the ''big 20'' OEMs, it does nothing for smaller OEMs, corporations, universities or smaller end users. Contracts such as MS's ''Enterprise Agreement'' are ignored. The Enterprise Agreement can provide sizable discounts on MS software and upgrades. However, the big catch to this agreement is that the company must use MS products instead of alternatives. Even in a healthy economy, the pressure to minimize expenses are great. In a less than ideal market, it only gets much worse. So, to take advantage of discounts in Windows & Office, one is forced to accept Outlook and Internet Explorer and reject Netscape Navigator and other alternative products. Potentially, the wording of the Enterprise Agreement might even be interpreted to prohibiting the use of Linux, BSD or some other non-MS PC desktop and server operating system. The combination of things like the EA and the propensity for Windows based applications to treat the presence of non-MS applications as a ''problem'' that needs to be fixed, leads many corporate IT groups to give in and convert to ''pure MS'' desktops that excludes non-MS components.

- The definitions of the terms ''Windows OS'', ''API'', and ''Middleware'' specified in the settlement are so restrictive that future implementations and trivial derivations of major middleware and API components would be exempt from any restrictions. Further major current and imminent applications, APIs, and middleware products are completely ignored. .NET, the linchpin in Microsoft's effort to build an Internet equivalent to its Desktop domination, is completely ignored by the settlement. The .Net initiative has been public knowledge for a long time now, but there is no reference to it in the settlement. Likewise, the MS office suite is completely excluded. The single strongest weapon in Microsoft's arsenal for protecting the Windows Desktop monopoly has been, and continues to be, MS Office. Time and again, the number one reason given for having to use Windows on the Desktop is the need for compatibility with MS office documents and applications. Thus, it could easily be argued that MS Office constitutes a monopoly situation in its own right. Further, MS's frequent changes in document formats between revisions of the product forces all users to upgrade en masse to newer versions of Office (and usually newer versions of Windows). This both further adds to MS's (prodigious) revenue stream and makes if very difficult (if not impossible) for third parties to create compatible products. The specifications for all MS Office documents and API interfaces must be made open and available in a timely fashion for this monopoly to be broken. Also, the many offshoots of Windows are ignored by the settlement. No mention is made of WindowsCE, Pocket PC, Tablet PC or X-BOX, which is really just a slightly stripped down PC running a variant of Windows. Each represents Microsoft's efforts to leverage its

Windows monopoly into other market areas. The Settlement displays numerous anti-''Open Source'' biases. Many experts agree, and the top executives at MS have essentially admitted, that Open Source is the single greatest threat to Microsoft's monopoly. The existence of operating systems like Linux and the BSD variants, applications and middleware products like Apache webservers, SAMBA file and print sharing have permitted many to reject Microsoft's Windows Desktop and Server OS platforms in favor of alternatives. Yet, the settlement threatens all of this. The settlement does nothing to prevent MS from retaliating against an OEM that ships a PC that is preloaded with only a non-MS operating system. Further, alternate Operating System vendors such as BE were ultimately driven out of business because OEMs refused to preload BeOS in addition to Windows. Their reason: fear for their license agreements with Microsoft. The way the settlement is worded, MS would be able to deny Open Source developers access to APIs, communication protocols and other documentation essential to maintaining compatibility with their Windows counterparts. The restrictions on document disclosure as they relate to ''encryption, authentication anti-piracy'' and related issues as determined by Microsoft presents many opportunities for mischief on Microsoft's part. The settlement makes no references to restrictive licensing conditions such as: preventing the distribution of otherwise redistributable components when it is done ONLY for use by MS-based products and on MS-based Operating Systems, and explicitly forbids its distribution for use with open-source products and OSes.

—The settlement does nothing to address Microsoft's use of its monopoly derived power and financial resources to push into new areas with the intent to claim a dominant position. Their huge cash horde (by some recent reports in excess of 30 billion dollars) puts them in a position to trivially crush a competitor in any new ventures.

—With the the X-BOX, Microsoft is targeting the game console market. This system is essentially a slightly stripped-down PC running a variant of Windows. Reviewers of the system have said that it has features significantly beyond those of its competitors and is selling the units at a serious loss. This is in combination with a reported 500 million dollar ad campaign. At the same time Microsoft used its power to convince many musicians to provide their music for use in MS XBOX games for little or no financial compensation in exchange for mentioning of the band's name in the game. In most cases, one would have to dig into the bowels of the games to find out who provided the music. Normally, companies would pay tens of thousands for such music per game. (see New York Times 11/15/2001—THE POP LIFE; For Musicians, Microsoft's Xbox Is No Jackpot) Recently, Microsoft announced that its next target will be the ''Gameboy'' handheld game market.

—Microsoft for several years has been pushing to get cable and DSS providers to use MS-based set-top decoder boxes. In general, the providers have refused, fearing a repeat of MS's takeover of the PC. MS appears to now be using its financial muscle to buy its way into the settop market. It provided large sums of cash to help Comcast win its bid for AT&T's cable system. Recently, directly and through his Foundation, Gates purchased 500 million dollars worth of Cox Communication stocks. In both cases, it will be much harder for these cable companies to reject the replacement of set top boxes with those that are Microsoft-based.

—Microsoft continues its push to dominate the Internet. .NET is Microsoft's latest attempt to redefine the Internet on its terms. This would extend its monopoly from the desktop to the Internet. Either by outright purchasing or dealmaking, Microsoft is forcing more and more dialup and DSL/cable end users to use MSN. At the same time, Warner Cable has complained that inherent incompatibilities in Windows XP prevents their high-speed cable systems from working with XP-based computers. This would not be the first time that Microsoft implemented incompatibilities with the express purpose of hindering a competitor (the DR-DOS case). By the use of EULAs or the explicit design of websites owned by Microsoft or its partners, non-MS browsers and Operating Systems are blocked from accessing various websites and services. The EULA for MSNBC's NewsAlert software only permits you to run the software on systems running a non-competing operating systems. It has been reported that Microsoft and its partners have, either intentionally by design or unintentionally by using an MS product, built websites that explicitly recognize connection attempts by Netscape/Mozilla clients and reject the connection. When the users changed the client identification to something else, the problem went away.

—Microsoft's involvement in things like E-Books and Digital Rights Management also concern me. I am concerned that Microsoft will use its dominant positions to make these things only available on MS-compatible/approved products. For these and many other reasons, the proposed settlement, as currently presented and without major revisions, must be rejected. The alternative will lead to an even greater monopoly extending far beyond the PC Desktop and into many other aspects of our digitally-enabled world.

Mayer Ilovitz
New York, NY

MTC–00027023

From: Toby Austin
To: Microsoft ATR
Date: 1/27/02 5:47pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is nothing more than a convenient way for them to ''donate'' their own software to schools, thus increasing their market share. Please reconsider.

Toby A S Austin

MTC–00027024

From: Carolyn Freeman
To: Microsoft ATR
Date: 1/27/02 5:47pm
Subject: MICROSOFT SETTLEMENT

If the CEOs of the internet ''competitive'' companies would quit crying and create instead, there would be sufficient for everyone. I cannot understand how the government who is supposed to represent all citizens can consider tying the hands of one company and call it competition. So much for hard work and creative effort. Hopefully I will still have the right to spend my money as I see fit to buy the product(s) I choose at the market place. Make a good product at a good price, the public will purchase it. The offer made by Microsoft to supply schools, etc. is terrific - not only will the children benefit, the government can get out of business manipulation. Why is success always penalized!!!

MTC–00027025

From: Toni Savage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

Please also allow OEMs to configure MicroSoft software with any defaults a user would be able to change, ONLY so long as they specify to their customers exactly what it is that they changed. In other words, if they want to change the default home page to be their home page instead of MSN.com, they should be allowed to do so.

Toni Savage
196 Dean St.
Brooklyn, NY 11217

MTC–00027026

From: Tim/Mary Irvin
To: Microsoft ATR
Date: 1/27/02 5:51pm
Subject: Fw: Microsoft Message

January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I'm writing to urge you to accept the terms of the settlement recently reached between Microsoft and the United States Justice Department. The settlement will result in a much more competitive environment beneficial for all parties involved. Microsoft has, for example, agreed to grant broad new rights to computer manufacturers and software developers to configure Windows to promote non-Microsoft software programs that compete with Microsoft programs included within Windows. This means computer manufacturers can replace Internet Explorer with Netscape Navigator; Microsoft Media Player with RealPlayer; and Windows Messenger with AOL Instant Messenger. Microsoft has further agreed to not retaliate against computer makers and software developers who choose to take this route, nor will Microsoft retaliate against computer makers who ship competing operating systems. Overseeing the terms of the settlement will be a Technical Committee comprised of three persons who are software engineering experts. This Technical Committee will assist in any dispute resolution, should a complaint be filed. Based on these facts, I respectfully request you to accept the terms of the settlement.

Sincerely,

Mary and Tim Irvin
722 Poplar Drive
Bellingham, WA.98226

MTC–00027027

From: JMyers
To: Microsoft ATR
Date: 1/27/02 5:53pm
Subject: Microsoft Settlement

Dear DOJ,

Especially now more than ever should one corporation hold a stranglehold on what is arguably the most important industry in the world?Especially a company whose record of security and shady business practices be allowed to run free to devour and destroy other companies.Microsoft makes Standard Oil look like a bunch of choir boys.The time is right for not a slap on the wrist-or worse yet help in controlling the education sector-but a comprehensive and severe crackdown on this company.It is time for Microsoft to be punished for their morally,ethically and I believe in some regards down-right criminal behavior.

Thank you for listening,
James F.Myers Jr.

MTC–00027028

From: AHERSTEL@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:54pm
Subject: Microsoft Settlement

Stop badgering Microsoft. Admit once and for all that Bill Gates and his crew built a better mousetrap. Were it not for them, the common man wouldn't be enjoying the delights of computer ownership.

I'm 78 and worked up from DOS 3.0 to Windows 98, and it didn't cost me an an arm and a leg. My grandchildren were literally weaned on my computors. Please exercise your authority on prosecuting the ENRON thieves and their cohorts.

Andrew J. Herstel
9035—28th Street
Brookfield, IL 60513–1015
708–485–2129
e-mail aherstel@aol.com

MTC–00027031

From: Yaw Kordieh
To: Microsoft ATR
Date: 1/27/02 5:56pm
Subject: Microsoft Settlement

My name is Yaw Kordieh. I feel that Microsoft's decision of gaining monopoly power by preventing other software companies from distributing their software worldwide was wrong. Microsoft has always been successful promoting their software because most computers are pre-installed with their software, Windows when consumers first buy it. There hasn't been any competition from any other software as well. So the Microsoft software, Windows has been well known to people. I agree with the idea of a remedy because it won't allow Microsoft to gain monopoly power illegally and any other practices in the future. It also gives other software companies a chance to expand their software to other places in the world, which also creates competitiveness among the softwares. With the arrival of Netscape and Java, Microsoft felt that they both created a threat to their company because they had special applications that allowed them to run on most programs. Microsoft's decision of creating the Internet browser, Internet Explorer was a good idea because it gave people the chance to decide which Internet browser they wanted, instead of just accepting what they already had on their computer. So the actions that Microsoft took was unfair to other companies and to the consumers. I feel that if there were other companies that made software, then consumers can choose which program they would like to use.

MTC–00027032

From: — —
To: Microsoft ATR
Date: 1/27/02 5:57pm
Subject: Microsoft Settlement

Comments Concerning the Microsoft Proposed Settlement,

01/27/02

Dear Judge Colleen Kollar-Kotelly,

The anticompetitive and technically inaccurate settlement agreed to by the U.S. Justice Department is tainted and should be set aside as not in the public interest.

I have over ten years experience of dealing with Microsoft closely and 20 years of experience developing software across multiple platforms. I am an expert at understanding software design. Microsoft has caused great harm to this country by limiting consumer choice and retarding innovation. A narrow settlement with middleware defined incorrectly will continue to harm consumers.

Windows XP continues the Microsoft tactic of limiting consumer choice. How this is done is quite subtle. Microsoft bundles applications with the operating system. The consumer by default uses the Microsoft applications. This is because the consumer would have to make extra tedious efforts to use applications from other vendors. In contrast, the Microsoft applications like Passport and Instant Messaging are rudely in your face. Microsoft uses its PC operating system monopoly to leverage into unrelated businesses.

The consumer has been further harmed by Microsoft amassing monopoly profits. In the final economic analysis, the consumer pays for product from other computer industry vendors. When those vendors have to pay Microsoft higher prices because of the monopoly, they are passed on to the consumer.

Any settlement should restore consumer choice and competition to the PC software industry. As presently drafted, the proposed settlement is not much better than no settlement at all. Let's review some of the loopholes in the settlement.

* III: Microsoft can still pay off cooperating OEM's that do Microsoft's bidding.

* III.C.3: Too restrictive.

* III.F.2: Microsoft continues to control ISV's software development.

* III.G.1: Microsoft can continue to pay vendors to promote its software platform.

* III.H.1: Users should be allowed to remove any application. Users should be able to remove any API's from the operating system (that could pose security risks).

* III.I.5: In order for a vendor to obtain Microsoft's technology, the vendor must surrender intellectual property rights.

* IV.B.10: This is an unconstitutional free speech restriction.

* IV.D.4.d: TC members should not be excluded from the legal process. This is an attempt to silence witnesses.

* V. Any settlement should be permanent.

* VI.A: API's should include interfaces used by device drivers and the interfaces used by real middleware to call operating system services. API's are not just application programming interfaces.

* VI.D: All OEM's should be covered, not just the top 20.

* VI.K: Internet Explorer, Windows Media Player, Windows Messenger, and Outlook Express are APPLICATIONS, not middleware!

* VI.Q: A personal computer can be a server. Server software should not be excluded from illegal monopoly maintenance behavior. A PC can be both a client and server at the same time and this is integral to Microsoft's architecture. I want to draw special attention to Section III.J.1.a.

This section puts the security of this country at risk. At a minimum it need to be rewritten. Microsoft cannot be allowed to have a monopoly with respect to security software. Microsoft must be required to disclose security API's and documentation. This will enable competitors to provide add-on security solutions to Microsoft's historically insecure products.

The proposed settlement is complex and subject to interpretation and will generate years of unending legal wrangling. This legal cost will further burden the computer industry and ultimately harm the consumer. In contrast, it would be very simple to create a clear cut settlement that would be easy for everyone to understand and not subject to interpretation. Such a settlement would even protect Microsoft stock holders. Unfortunately, because I deal with Microsoft as a software developer, I cannot reveal who I am, for fear of souring my relations with Microsoft. The opinions expressed are my own and do not represent the opinions of present or past employers.

MTC–00027033

From: surfsup58@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:55pm
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,
Jeri-Ann McCauley
4375 S. Atlanticv Ave #7
New Smyrna Beach, FL 32169

MTC–00027034

From: ClPost2@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:00pm
Subject: Microsoft Settlement

Is there any question that the settlement offered by the Bush administration and certain states was NOT in the public interest?

Respectfully submitted,
Charles I. Post

MTC–00027035

From: levractn@wyoming.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:56pm
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,
Frank Ehrenford
39 Rolling Hills Drive
Cody, WY 82414

MTC–00027036

From: Rich Latour
To: MICROSOFT ANTITRUST
Date: 1/27/02 6:01pm
Subject: Prosecute Ballmer and Microsoft For Illegal Lobbying

I just read Kristi Heim's newpaper article in the San Jose Mercury News detailing claims by former senator John Tunney that Microsoft is once again acting illegally in inadequately disclosing lobbying efforts to influence the antitrust case against it.

There are too many allegations of corruption at Microsoft. I request that a tough prosecutor be put in charge to get to the bottom of this issue and to prosecute those at Microsoft responsible. It is clearly in the public interest to send a message to Microsoft regarding lawful behavior. Put Mr. Ballmer and company in jail if necessary.

Rich Latour

MTC–00027037

From: jsatterfield@dfn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:58pm
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 Satterfield
2902 S. Lea. Ave
Roswell, NM 88201

MTC–00027039

From: Marv Norman
To: Microsoft ATR
Date: 1/27/02 6:04pm
Subject: Microsoft Settlement

The attached personal letter contains my request that the DOJ conclude their efforts to settle the litigation with Microsoft.

Best regards,
Marvin G. Norman
Marvin G. Norman
7950 Winchester Circle
Goleta, Ca., 93117
Tel: (805) 685–6341
Fax: (805) 685–6371

January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I am a steadfast supporter of free market enterprise, and of Microsoft's freedom to dictate its own business practices in the pursuit of success. Therefore, I am urging you to finalize the settlement reached in November in your office's antitrust case against the company.

The lawsuit was originated and continued by Microsoft competitors who tried to win market share via the court system. Those companies should have been more concerned with manufacturing the best product possible; however, the terms of the settlement will ensure that Microsoft gives them more of a shot to claim more of the market. Disclosing parts of Windows'' internal interfaces and no longer requiring computer makers to bundle other Microsoft products will give everyone a fair chance to come out ahead.

I am not a Microsoft shareholder. I simply believe in their right to control their destiny, and as such, I implore you to settle the case at once.

Sincerely,
Marvin G. Norman

MTC–00027040

From: Ron and Me
To: Microsoft ATR
Date: 1/27/02 5:58pm
Subject: Microsoft Settlement

We fully support Microsoft in all of their endeavors. They are an excellent company and should be fully supported by the U. S. Government for what they have added to our economy.

Sincerely
Ron and Mary Ellen Harpster

MTC–00027041

From: Robert J Ball
To: Microsoft ATR
Date: 1/27/02 6:07pm
Subject: Settlement

I believe it is in the best interest of the public to finalize the settlement with Microsoft. Microsoft produces a product unmatched in quality and nothing should be done to limit access to such quality.

RJ BALL

MTC–00027042

From: Steve Pogge
To: Microsoft ATR
Date: 1/27/02 6:10pm
Subject: Microsoft Settlement

Dear Department of Justice,

Our country and its economy has suffered enough. Please approve this settlement and allow our country to move forward on those issues that truly threaten our freedoms such as terrorism.

Thank you for your time and consideration,

Steve Pogge

MTC–00027043

From: gamecuber13
To: Microsoft ATR
Date: 1/27/02 6:11pm
Subject: Microsoft Case

Justice Department-

Regarding the decision on the Microsoft Case, I have some input which I hope will be of use to you in your final verdict. In my opinion, I believe that Microsoft should not be able to make a settlement in the case, by creating a monopoly, Microsoft is not only being an unfair business, but it is also, at the same time hurting the economy. By driving other companies to bankruptcy, the stock market is damaged overall since all the people who own the stocks of these companies lose their money and only the individuals who own Microsoft stocks benefit.

Microsoft's strategy for beating other businesses is unfair as well. Microsoft has bundled their browser, Internet Explorer, with the computers sold by companies such as Dell, Gateway, and IBM. Therefore, the predominant operating system in use is Internet Explorer, proving the bundling scheme as an unfair advantage.

Microsoft's strategy is similar to that of Industrial big businesses from the past in American History. J. Piermont Morgan owned one such of these monopolies. He was completely in Control of the Railroad and Iron businesses and came to acquire the Shipping industry as well. The main plan of companies owned by people like Morgan, Rockefeller and Carnegie was unfair. They would offer companies in other areas where there products were not the majority a small amount of shares (worth less than their company's value) for them to give over their business to the monopolies. If these companies refused, the monopolistic companies would reduce their prices in the

particular area where these products were sold and sell their products there for cheaper than it costed to make them; this was not a great loss because the monopolies were so rich that they could afford to do so. Using this method, they would drive other smaller and weaker companies out of business.

This strategy is similar to Microsoft's. Theodore Dressier wrote an excellent novel, ''The Financier'', which describes monopolies and big business over powering weaker and smaller businesses. One excerpt from ''The Financier'' concerns a short tale about a lobster and a squid. Both are placed in a tank. The squid is placed in as prey for the more powerful and armed lobster. The lobster, symbolic of the big businesses and monopolies, well armed with its pincers, is perfectly capable of destroying the squid, which represents smaller businesses which have no way to survive against more powerful business. In the story, the author tells of how the Lobster would daily try to capture the squid and the squid would always escape, but part of it would get cut of by the lobster. Then, finally, one day, the lobster catches the squids. From this experience, the narrator tells us of a conclusion he draws, ''Things lived on each other-that was it. Lobsters lived on squids and other things. What lived on lobsters?''

Dressier describes how powerful big businesses are. This method is nearly identical to Microsoft's ruthless actions toward other companies.

To make Microsoft atone for its misdemeanors, I would suggest breaking the company apart into to smaller companies. Another option would be to force Microsoft to stop bundling their computer software with computer hardware. I hope that my opinion has helped in your arriving at a decision in this case.

A Student Citizen,
Vikram Srinivasan

MTC–00027044

From: josh
To: Microsoft ATR
Date: 1/27/02 6:12pm
Subject: Microsoft Settlement

From the beginning of the era of the Personal Computer, Microsoft has led a virtual monopoly in the market of Operating Systems. They have used various nefarious business practices in order to maintain their foothold in the market. Microsoft has a tendency to embrace technologies, extend them, then subsequently extinguish the competition. When Microsoft first released Windows 95, it came packaged with a program for Microsoft's new online service, The Microsoft Network. The icon for this program was put on a prime location on the desktop. Popular online services such as AOL and Compuserve, which freely distribute their client software, were nowhere to be found on the desktop, but were buried on the CD.

Another clearer example is the integration of Microsoft's web browsing software Internet Explorer with the Windows 98 operating system. When your browser appears in over 90% of the installed base of computer systems around the world, there is little chance for any sort of competition. This is what competitor Netscape argued, and this is one of the issues that the Justice Department takes task with.

Personally, I don't think the DOJ settlement will hurt Microsoft much. Their foothold in the computer market is already too strong. This is in part because ''the damage already done'', people are very used to using Microsoft branded software and will not want to take the time to learn something else. Computer makers will still bundle Microsoft Windows with their machines because it is what the customer demands. This case has effectively dealt a weak blow to Microsoft in image, but not in strength. The software juggernaut that is Microsoft will continue to dominate in the future because its roots are too deep. And if left unchecked, they will continue embracing, extending, and extinguishing.

MTC–00027045

From: Betty Holt
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: hphphp1Microsoft Settlement
11 512 68th Ave Court NW
Gig Harbor, WA 98332
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 27, 2002

Dear Mr. Ashcroft,

I am taking this opportunity to express my concern about the current situation in the US vs. Microsoft lawsuit and] certainly hope these public comments make a difference in the final outcome of the litigation. For starters, Microsoft had no reason to be attacked by the government in the first place, but unfortunately, lawyers and lobbyists have done a good job of keeping the American people paying millions of dollars on behalf of an accusation that should have no basis in this country.

The proposed settlement by the District Court should be accepted and implemented as soon as possible so that this country can see Microsoft thrive again for the American people and the American economy. The world is always looking for new, comprehensible and affordable software to facilitate a faster, more efficient business environment, and no other corporation has done this as well as Microsoft has. Why should we criminalize them for their success and their ingenuity that has put America on top of the IT industry?

[cannot reiterate enough how much I, along with millions of other Americans, want to see this litigation over with. It is the consumers who will be further affected by this legal action.

Sincerely,

MTC–00027046

From: Adrienne (038) Steve Osborn
To: Microsoft ATR
Date: 1/27/02 6:14pm
Subject: Microsoft Settlement.

Recommend further litigation against Microsoft in the interests of fair competition and true capitalistic economics :

1. Microsoft should be fined severely for attempting to develop a monopoly in software, as proven in court and so adjudged.

2. Microsoft should have the Operating System development separate from the applications development, by fair application of anti-trust law. Two separate entities, in other words.

3. Microsoft's OS code should be made available to all software developers to allow competitive applications development.

Stephen M. and Adrienne G. Osborn
26 N Sunset Drive
Camano island,
WA 98282–8607
e-mail: theplace@whidbey.net

MTC–00027047

From: David Jaber
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: Microsoft Settlement

Greetings,

I had a few concerns about the Microsoft Settlement I'd like to register. Simply:

1. The proposed settlement is not in the public interest. It ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

2. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

3. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

4. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Please change the decision to reflect this. I appreciate the opportunity to comment.

MTC–00027048

From: KMApland@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: Microsoft Settlement

Sirs:

Please give consideration the my follow ing conclustions concerning the settlement of the Microsoaft anti trust case:

1. This case was instigated by competitors of Microsoft, namely Sun-microsystems, Oracle, and AOL. The pricipal owners, having made their billions, proceeded to spend vast sums lobbying for the anti trust case against Microsoft.

2. As the case began, the stock market began its decline, cuminating in the present lower level. I believe the American public lost confidence in the entrepeneuerial form of business that has led to the success of Microsoft. The fact that the govenment has pursued this case smacks dangerously of Socialism.

3. The American public has been forced to not only carry the burden of the court costs for this case, but has endured loss of personal

income, resulting in the loss of tax revenues to both state and federal governments. Has anyone come up with the combined figure of personal income loss and government tax revenue loss? It must be staggering!

4.I personally have found no one agreeing with the Attorney General's statement that Microsoft is not good for the consumer. On the contrary, those I have polled have only favorable comments for Microsoft products and pricing. Interestingly, when the Attorney General of Connecticut was putting a spin on Microsoft, he was asked if he used Microsoft software. He admitted to using same both in his office and at home. Surely, if Microsoft is so bad for the consumer, he, of all people, could have found other products to purchase and use.

5. The timing of the new suit brought by AOL against Microsoft seems a little suspect.

6. 41 out of 50 states have agreed to the settlement between Microsoft and the government. How can 9 states dictate to 41?

Thankyou for your time and attention to my conclusions.

Yours truly,

Ken Apland

MTC–00027049

From: srjburkhardt80@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:14pm
Subject: Microsoft Settlement

To- The Courts,and those whom are Concerned-

I am an American citizen 82 yrs. young,that loves computers,I have most of the lastest devices on my PC.while I dont pretend that I know how,to use all of these,programs etc.I do know that without companies such as Microsoft,we as a nation, would be hurting,in this field of endeaver.

You are inthe process of finalizing a settlement ,for which I as a Senior, believe is a reasonable compromise,that will enhance the ability of all concerned,to access the internet and use innovative products,for more enjoyment.

I know a little about techincal progress,having been a military pilot for many years,and its a good thing that there is competition,if there wasn't ,perhaps I would not be here today>

Competition in this situation,seems to want results,based on what the Courts will decide,rather than their own efforts.Only in America,it seems,that,one, or a Company ,is punished for their success.

It would appear that this has dragged long enough,we have a compromised settlement,please dont allow those who state,in the public interest, to muddy up this settlement !

I'm one of the,public,and as a Tax Payer,I strongly believe this should be settled,asap...

Thanks for(Tunney Act) for allowing me to comment.

Very Truly Yours,

Joseph Burkhardt
(srjburkhardt80@adelphia.net)
1590 E-11th No st.
Mountain Home ID 83647

MTC–00027050

From: Alan Campbell
To: Microsoft ATR
Date: 1/27/02 6:18pm
Subject: Microsoft Settlement
To: Department of Justice
Washington, DC
Re: Microsoft Settlement

To Whom It May Concern:

As a taxpayer and citizen of this country, I am appalled by the impending settlement with Microsoft. The software giant has repeatedly violated anti-trust laws in its merciless drive for not just market dominanace, but for virtual monopoly status, and this proposed settlement will do little to deter Microsoft's predatory behavior. I am absolutely opposed on grounds of the public interest and open competition in the marketplace.

Sincerely,
Alan Campbell
170 Crescent Road
Athens, Georgia 30607
706/208–0630
SS#258–74–7766
CC:phollings@alum.mit.edu@inetgw

MTC–00027051

From: Bruce Horn
To: Microsoft ATR
Date: 1/27/02 6:18pm
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed antitrust settlement with Microsoft is tremendously inadequate. Microsoft has been found guilty of extremely serious violations of the Sherman Antitrust Act, and the proposed settlement will just encourage further violations.

I have worked in the computer industry for 25 years, and have held positions at Xerox PARC and Apple Computer, among other companies. In my opinion Microsoft's behavior has held back computing progress and has cost the entire country hundreds billions of dollars in lost productivity. Personally I have witnessed Microsoft's repeated theft of Apple's intellectual property, for which they escaped punishment. The proposed settlement would preserve Microsoft's monopoly, would not restore competition, and at the same time would allow Microsoft to keep its ill-gotten gains from the past decade of monopolistic behavior. In addition, it would encourage and help Microsoft to establish yet another monopoly in the Internet space.

Perhaps most chilling is Microsoft's plan to capture essential personal and private information on their proprietary databases, and force you to run all on-line transactions through them. They also plan to monitor everyone's computing activities and charge for them on a rental basis. This must not happen. There must be alternatives available that allow people to use whatever operating system they wish, and whatever applications they wish, on whatever platform they wish. This includes running Microsoft applications on non-Windows platforms. Any behavior by Microsoft to attempt to control the Internet space must be prohibited. The proposed settlement is seriously flawed and must not be enacted.

Sincerely,
Bruce Horn
Chief Technical Officer, Marketocracy, Inc.
Mammoth Lakes, CA 93546–1692

MTC–00027052

From: Matthew Tubbs
To: Microsoft ATR
Date: 1/27/02 6:25pm
Subject: Microsoft Settlement

To the Honorable Court:

As a citizen of the United States and experienced computer professional of several years, I have seen the damage that Microsoft has inflicted on the computer industry and consumers with its blatant violations of antitrust law. While I feel that the proposed settlement is a step in the right direction, I think that there are a few items that need to be addressed:

I. The proposed final judgment excludes open source competitors. Open source operating systems such as Linux and open source projects such as Wine, Apache, and Samba offer consumers real choice because of their quality, stability, speed and security. For these reasons, open source software and operating systems are a viable competitor to Microsoft, and should be treated as such in the wording of the proposed final judgment. Specifically, Microsoft should be required to disclose the Windows API's to open source groups, as well as documentation on communication protocols.

II. In addition to API's and communication protocols, Microsoft should be required to fully disclose its Microsoft Office binary file format specifications to competing organizations. Releasing these file formats would remove the barrier for entry to the office software market, greatly benefiting consumers.

Sincerely,
Matthew R Tubbs

MTC–00027053

From: DFEDRIGON@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/27/02 6:20pm
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,
DON FEDRIGON
PO BOX 962
ELK RAPIDS, MI 49629

MTC–00027054

From: Michael Blakeley
To: Microsoft ATR
Date: 1/27/02 6:22pm

Subject: Microsoft Settlement

I think that the proposed DOJ-Microsoft settlement is a bad idea. It doesn't do enough to penalize Microsoft for past anti-competitive practices, and doesn't do enough to ensure against future anti-competitive practices by Microsoft. Also, the proposed settlement does nothing to redress damages suffered by consumers as a result of Microsoft's monopolistic practices.

In my view, breaking up Microsoft into several smaller corporations, would be a better solution, along with substantial monetary awards to Sun and Netscape. Failing that, substantial monetary awards should be accompanied by strict regulation of Microsoft as a public-interest entity.

Thank you for your time.

Michael Blakeley

Foster City, CA

self-employed Internet consultant

MTC–00027055

From: CLIFFORD WOOLFOLK
To: Microsoft ATR
Date: 1/27/02 6:25pm
Subject: Microsoft settlement http://www.bidville.com/myads.asp?id=cliffordii
190 Oakridge Drive
Berkey, OH 43504-
January12,2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my opinion on the settlement reached between Microsoft and the Department of Justice in November of last year. As I understand it, Microsoft has agreed to a wide range of restrictions and obligations that would allow other computer makers more ease of competition. I believe Bill Gates has worked hard to accomplish what he has, and if Microsoft has so much influence, then more power to Mr. Gates. Unfortunately, there are those who disagree.

It has come to my attention that there are nine states now that are in opposition to the terms of the agreement reached in the antitrust case. They are seeking to extend the suit and undermine the terms of the settlement. This is ridiculous. Microsoft did not get off with just a slap on the wrist. They have agreed not only to license their Windows operating system to the 20 largest computer makers, but they have also granted these computer makers rights to configure Windows so that non-Microsoft programs can be promoted within its operating system. Microsoft has agreed to terms that exceeded even the bounds of the anti-trust case, and I am of the opinion that they have been more than fair.

Mr. Ashcroft, I do not believe that this suit should continue. The nine states that currently oppose the terms of settlement have lost sight of justice and have become vengeful. The Department of Justice has no right to mete out vengeance. I do not think the matter should be further pursued.

Sincerely,

Margaret Woolfork

MTC–00027056

From: Bill Zaumen
To: Microsoft ATR
Date: 1/27/02 6:27pm
Subject: Comments on Proposed Settlement

While I have to wonder if a full breakup of Microsoft is not the only effective remedy, the proposed settlement is inadequate even in what it tries to do.

1. The settlement treats consumers as second-class citizens. For example, on page 6, it prevents Microsoft's software from automatically altering an OEM's configuration without first waiting 14 days and asking the user for permission. Nothing, however, tells them to similarly respect a user's configuration—-one set by the user regardless of what the OEM did.

2. It is ineffective in some respects. For instance, while it allows Microsoft to ask a user if he or she would like to change a configuration and requires that all options be fairly presented to the user, it does not prevent the obvious tactic: to badger the user to change the settings to ones Microsoft desires and then say nothing after a user does that. Since with enough repeated tries, a user will eventually click an unintended option, the result will be to move users to Microsoft products whether the users want to do that or not.

3. Under ''III Prohibited Conduct,'' the settlement prevents Microsoft from retaliating against an OEM that includes both a Microsoft OS and some other OS. Other provisions deal with dual booting. Nowhere does it say, however, that Microsoft cannot retaliate against an OEM that provides customers the option of obtaining a computer without any Microsoft OS at all. I really have to wonder about this. A while ago, I read that Dell was again selling Linux systems. When I checked Dell's web site, it contained a page with links to Linux systems for the federal government, businesses, and businesses and small offices. Of these three links, two were broken. The only one that functioned was the one for the U.S. government. When you found something about a system were you could run Linux, and clicked on a link, you'd be taken to a windows-only page. I think it is apparent that Dell is discouraging customers from buying Linux systems. With the whole PC industry having serious difficulties attracting customers, I've really got to wonder why anyone would throw customers away. One explanation for this behavior could be pressure from Microsoft. As a consumer, I want protection against that (regardless of whether or not this is what is going on in Dell's case).

4. The settlement has a loophole about disclosing APIs if that would compromise security, digital rights management, anti-virus technology, etc. It is well known that security through obscurity is no security at all. This loophole will not protect computer systems, but it will provide Microsoft an excuse for divulging nothing about APIs or anything else.

I would strongly recommend starting from scratch and proposing a settlement that would actually do something to protect the public and other businesses.

Regards,

William T. Zaumen

912 Clara Drive

Palo Alto, CA 94303

PS as a disclosure, I work for one of Microsoft's competitors. My comments above are personal ones.

MTC–00027057

From: David Stansell
To: Microsoft ATR
Date: 1/27/02 6:28pm
Subject: ''Microsoft Settlement''

Hi,

I would just like to complain about the proposed MS settlement. The idea seems to be that Microsoft is legally entitled to bribe the only market segment that to date it has not dominated—education.

It makes no sense to me. I think it is very important that a firm like MS should be treated as any other otherwise people will continue to lose faith in the government and cynicism will prevail.

MS is not an evil company, but it does what it can get away with. I would be grateful if you could play your part in refocusing the efforts of this group of talented people towards competing by producing better goods rather than doing so by throwing its commercial and political weight around.

There is no doubt in my mind that this will enhance, rather than reduce, the effectiveness of the US economy—read the recent articles in the ''economist'' for one of the most unbiased assessments to date.

Thanking you in advance,

David Stansell.

MTC–00027058

From: Thomas P Larson
To: Microsoft ATR
Date: 1/27/02 6:29pm
Subject: Microsoft

Dear Sirs:

I am a Senior Citizen and have followed and used Microsoft products for many, many years. In many cases there were alternatives, but Microsoft was the choice.

I urge you to accept the offered settlement. It appears to me that continuation will benefit only a few with special interests and will delay Microsoft in their efforts to make computers an even better and more desirable product.

Respectfully,

Thomas P. Larson

Normal, IL 61761

McLean county

MTC–00027059

From: Dennis Moon
To: Microsoft ATR
Date: 1/27/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern.

More than enough time, energy, and tax dollars have been spent on the Microsoft antitrust case. I have never believed Microsoft to be guilty of anything other than being a superior competitor in what I believe and hope is still a free market.

I am an information systems professional with over fifteen years of experience integrating Microsoft products, operating systems, and developing application with their tools. I have come to appreciate how superior their products work together to create robust and innovative applications used to facilitate the improvement of corporate business processes.

As a consumer, I find the prices for their software and operating systems to be very fair and much less costly to purchase and implement than most of their competitors. In fact, over the years Microsoft has had to substantially increase the cost of their development tools and server projects simply to attain the perception of the legitimacy for their products within the corporate world. If it were not for the fact that Microsoft competitors sell equivalent software products for many more times than the prices at which Microsoft could sell them and still make a profit, Microsoft products would cost even less than they do today.

I greatly appreciate the fact that Microsoft continually adds to the value of their operating systems by integrating new technologies into the code base, thus minimizing the need to spend additional precious dollars to obtain the latest innovations and increased capabilities.

I am appalled by their competitors attempts to beat them in the court room when they can not do so in the open market. This frivolous lawsuit has served only to increase the cost of Microsoft products as well as the cost of their competitors products.

Microsoft has agreed on the terms of the settlement with the Department of Justice. Please end this once and for all.

Dennis M. Moon

MTC–00027061

From: Willie Smith
To: Microsoft ATR
Date: 1/27/02 6:36pm
Subject: Microsoft Settlement

Please be advised that we support the settlement that has been reached in the U.S. vs Microsoft as fair. We have also faxed a letter to you to that effect.

James R. Smith
Willie Smith

MTC–00027062

From: Teri DeMatteo
To: Microsoft Settlement
Date: 1/27/02 6:32pm
Subject: Microsoft Settlement
Teri DeMatteo
9703 Benner Road
Johnstown, OH 43031–9106

January 27, 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.

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,
Teri DeMatteo

MTC–00027063

From: Geoffrey Broadwell
To: Microsoft ATR
Date: 1/27/02 6:17pm
Subject: Microsoft Settlement

To whom it may concern:

I am a user of, and a software developer for, freely available operating systems such as Linux and the BSD variants of Unix. I have read and agree with Dan Kegel's analysis of the Proposed Final Judgment at: http://www.kegel.com/remedy/remedy2.html.

However, I feel that Mr. Kegel's analysis, in its detail, loses some of the overall flavor of how a free / open source software user and developer would view the case.

As a free software user, a few issues are important to me:

* I must be able to read, write, and edit documents and other data complying with all standards and de facto standards in use in the corporate world or the Internet at large.

* I must have access to programs that interoperate with all standard and de facto standard protocols (and all clients, servers, and peers implementing those protocols) in use in the corporate world or the Internet at large.

* I must be able to use entirely freely available software to perform these functions. This requires both that barriers to the development of such software be low, and that artificial restrictions to their use, such as unfairly restrictive licensing terms, unclear patent infringement issues, and the like, be removed.

As a free software developer, different but related issues are important:

* The free software community must have unfettered access to complete, accurate, and timely documentation for all data formats in common use in the corporate world or the Internet at large.

* The free software community must have unfettered access to complete, accurate, and timely documentation for all protocols in common use in the corporate world or the Internet at large, along with documentation for known variances of commonly used clients, servers, and peers from the expected and / or standard protocol behavior.

* For cases in which use of, implementation of, or interoperability with an API is necessary (in the broadest sense), similar access to complete, accurate, and timely documentation for that API must also exist.

* Test suites that can be used to show compliance or noncompliance of an implementation to these documents must exist, suitable both to test that competitive implementations perform properly, and possibly more importantly, to test that the documentation is an accurate reflection of the true behavior of the original implementation(s) that made use of, or provided, said data formats, protocols, and / or APIs.

* Restrictions to development or use of compliant or interoperable software for any data format, protocol, or API, must be minimized. In particular, license restrictions that limit the use of a program, data format, API, or protocol inclusively or exclusively with regard to certain operating systems, license terms for other software in the user's or developer's computing environment, competing software implementations, etc., must be disallowed.

In addition, any components or data files that all compliant or interoperable software implementations must distribute to be deemed compliant or interoperable, must allow such distribution by other implementations, for installation in any software environment that a user or developer sees fit.

* Hidden restrictions to development or use of competitive software, such as the status of patents or pending patents whose applicability to relevant data formats, protocols, and / or APIs is unclear, must be dealt with in good faith. For example, no developer or vendor of software should be allowed to threaten that use of competing software ''might'' infringe ''certain'' patents held by the developer or vendor or any of their partners.

For cases where a developer or vendor can definitively claim that unlicensed use of a competing product making use of, implementing, or interoperating with, any data format, protocol, or API, would constitute infringement of a patent they own or control, such patent must be licensable under terms that would not be onerous to developers or users in the free software community. Per-seat licensing, licensing that requires large payments, licensing that involves non-disclosure agreements, and licensing that requires specific action by any person or entity other than the initial developers of the competing software, are all instances of onerous terms that must not be allowed to stand.

All of these comments have been generic, without reference to the specific case and judgment at hand, but I hope it is clear that many of the concerns that I list above have not been adequately addressed by the Proposed Final Judgment in United States v. Microsoft Corp.

Other analysis and commentary, such as Mr. Kegel's work linked above, offer specific possible improvements to the Proposed Final Judgment that will address some of these concerns. When taking these suggestions into account during revision of the proposal, please also consider whether the various suggestions go far enough to adequately address my concerns as a user and a developer from the community at large. While I believe that all software developers and vendors should be held accountable for how they address or fail to address these concerns, it is especially important to require this of Microsoft, since Microsoft maintains a monopoly position for implementations of

a great many standards and de facto standards.

Thank you in advance for your consideration,

Geoffrey Broadwell

Free Software User and Developer

San Francisco Bay Area, California

MTC–00027064

From: John. Anderson
To: Microsoft ATR
Date: 1/27/02 6:37pm
Subject: Microsoft Settlement Letter

Dear Mr. Ashcroft-

Attached is a letter urging your support for a speedy settlement in the Microsoft case.

Thanks in advance for your action in this matter

Sincerely,

John Anderson, ceo

6 Sigma Leadership Corporation

4929 Canterwood Drive NW

Gig Harbor, WA 98332

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I have personally founded six small businesses, each providing software and related services to companies and consumers. Also, I have worked for five of America's largest businesses, performing turn-around leadership to help restore them to competitive health. I know what it means to compete here in America, where entrepreneurship and a free market economy have historically been protected by our government. I think it is a shame that the previous administration punished successful entrepreneurship and stifled creativity—and has left your department to bat cleanup. The Microsoft antitrust suit is the perfect example of this. I am appalled that the negotiated settlement has been rejected by half of the plaintiff states—without even giving it a trial period—and thus letting six months of negotiations go to waste. I think before rejection is considered, it is necessary to give the settlement a chance.

It is a disgrace that the settlement should be delayed to give Microsoft's opponents a bigger piece of the pie. I think the settlement is fair as it stands. Microsoft has agreed not to enter into any contracts that would require a third party to distribute or endorse Microsoft products either exclusively or at a fixed percentage. Microsoft also plans to design future versions of Windows so that the operating system will support non-Microsoft software. I believe that these terms are more than reasonable. In the long run, I believe the economy and the consumer would benefit from a speedy settlement. I urge you to give your support to the settlement.

Sincerely,

John Anderson

4929 Canterwood Drive NW

Gig Harbor, WA 98332

6 Sigma Leadership Corporation

Gig Harbor, WA 98332

John Anderson

President

MTC–00027065

From: Lawrence Person
To: Microsoft ATR
Date: 1/27/02 6:37pm
Subject: Microsoft Settlement

To all it may concern,

I believe that the proposed Microsoft settlement is a bad deal for computer users, for the computer industry, and for the nation as a whole. It does nothing to address Microsoft's predatory and monopolistic tactics, nothing to address the fact that it's blithely broken previous consent decrees and defied court orders, and nothing to provide relief for companies and consumers who have been harmed by these practices. It should be rejected and far more stringent financial and structural penalties imposed.

Despite their slogan, Microsoft has achieved it's current position not by ''innovation'' or hard work so much as by imitation (Apple) or outright theft (Stack Technologies) of the innovations of others. It used strong-arm tactics, sharp practice and predatory pricing to establish it's monopoly in operating systems, then illegally used that same monopoly to grab equally compelling strangleholds on other areas of the software industry. At best Microsoft is a sandlot bully, threatening others with its monopoly power to get its own way. At worse it's a third world dictator, knowing it's above the law (witness its boldfaced violation of its first consent decree, and how it lied, repeatedly, in court) with the firm knowledge that it's too powerful to be punished.

A company truly dedicated to innovation would not wait two years to address the myriad security vulnerabilities of Windows and Outlook. If a different component on Ford trucks were to blow up and be recalled every week, Ford would be out of business very quickly indeed. If Microsoft did not wield such monopoly power, it would not be able to get away with selling such defective products.

Microsoft has proven again and again that consent decrees are entirely inadequate to stop its predatory practices. Only harsh, structural and lasting penalties will be able break it's monopoly power and return real competition to the markets it illegally dominates.

For penalties which would truly address Microsoft's monopoly power, punish it for past transgressions, and provide real relief to the victims of it's illegal actions, I propose the following:

1. Microsoft should be levied a $10 billion fine. Half of this money should be earmarked for the DOJ and state attorneys general to pay for the cost of prosecuting Microsoft, and to pay the cost of future oversight and enforcement, and half should be returned to the consumers and companies harmed by Microsoft's predatory practices.

2. The source code for all Microsoft products released through 1999 should be released in their entirety and made available to the public to be used by anyone to create their own versions of Windows, Office, etc. without paying royalties to Microsoft. This would also provide relief from Microsoft's monopolistic practice of using ''embrace and extend,'' i.e., making it's products intentionally incompatible with established computing standards for the sole purpose of using it's illegal monopoly to erect barriers to competition. With the source code readily available, it would be a simple matter both to engineer compatibility to Microsoft's ''enhancements,'' and to recompile Microsoft programs to adhere to open computing standards.

3. All the Application Programming Interfaces (APIs) to all shipping Microsoft products should be published and made freely available. This would prevent Microsoft's anti-competitive tactic of leveraging it's Windows monopoly through the use ''secret'' APIs in Windows that only Microsoft programmers can use to enhance their other product lines.

4. Microsoft should be split into no less than four separate companies: One responsible for Windows, a second for Office, a third for Internet Explorer, Back Office, Outlook, and all it's other Internet-related software, and a fourth for everything else (X-Box, WebTV, etc.). However, source code for all of Microsoft's currently shipping products should be distributed to each of these companies, with each having the ability to reuse or sublicense such code. This would create many competing products in segments of the market previously dominated by Microsoft, to the great benefit of consumers. These companies would also be barred from merging with each other or sharing directors for at least ten years.

5. The above companies would have one year to plug all known security holes in Windows and Outlook. After that period, they would be made financially liable for any economic damage such vulnerabilities in their software cost customers who had all current security patches installed but were still victimized by hackers or viruses.

6. The MS Office spinoff would be required to produce simultaneous versions of Office for the most recent release of Mac OS and Linux, at price parity with the Windows version, for a period of five years.

7. A government oversight board would be created with the authority to unilaterally impose fines, order remedies, change contracts, and release source code in order to implement the judgement.

This is a very radical remedy, and one I do not suggest lightly. In fact, I consider myself to be a Libertarian, one who believe that government should remain small and interfere in the free market only under the direst circumstances. However, one fundamental precondition for a free market is that those competing in it must obey the rule of law. Microsoft has shown, again and again, that it is willing to break and flout the law for it's own benefit, and to maintain it's illegal monopoly power. If Microsoft's earlier predatory practices had been curbed or punished when the first occurred, the government would not be faced with these vexing antitrust issues. But now that it has reached this point, serious structural remedies are the only solution. Microsoft has proven time and time again that it will not stop abusing it's monopoly power. It's now up to the courts eliminate that monopoly.

Lawrence Person,

Austin, Texas,

Science Fiction Writer

Lawrence Person
lawrenceperson@jump.net
Nova Express Web Site: http://www.sflit.com/novaexpress

MTC–00027066

From: Andrew Wildenberg
To: Microsoft ATR
Date: 1/27/02 6:40pm
Subject: Microsoft Settlement
CC: Andrew Wildenberg

To the Department of Justice, Antitrust division:

I would like to express my strong objection the Revised Proposed Final Judgment (RPFJ) in US v. Microsoft. It is a settlement riddled with loopholes and ambiguities. It offers nothing that will 'unfetter a market', 'terminate the illegal monopoly', or 'ensure that there remain no practices likely to result in monopolization in the future'' but will instead afford Microsoft new, court-sanctioned, ways to extend its monopoly and discourage competition and innovation in the industry.

I am an instructor of Computer Science at the State University of New York at Stony Brook. I also have extensive experience as a software developer in industry and a private contractor. I regularly use Microsoft products professionally and privately. My main operating system is Microsoft Windows 2000, although I regularly use Mac OS, Solaris, FreeBSD, HP-UX and Linux in my work.

One area of particular concern is the section of definitions in the RPFJ that relate to APIs and Middleware. The definition of API is given as follows:

''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

The important point is that this definition specifies only a small portion of the interface as being relevant to the RPFJ. Specifically, interfaces called internally by the operating system itself are exempt, as are interfaces called by other Microsoft software such as the Office suite.

In the past Microsoft has regularly changed common definitions within the computer science literature to suit the whims of its litigation. Most recently it argued that Internet Explorer was in fact an inseparable part of the core operating system. While that particular program has been addressed by this particular decree's definition of middleware, there is no protection that future applications programs won't be relabeled as either 'core OS'' or 'applications'' In either case, APIs used by these new components can lawfully be withheld from 3rd party developers.

Middleware and Microsoft Middleware is defined in several parts, but important ones include:

part K1: ''the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product''

While it is good to name specific products as middleware, for the most part, the ones chosen are all technology that Microsoft has already supplanted: Outlook Express will soon be replaced by Outlook, Windows Messenger by .NET services, and the Microsoft JVM by C#. Because those three products already exist at this time, it can be argued that the decree has specifically excluded them from its definition. The phrase 'and their successors'' is a troublesome one, given Microsoft culture and programming practices. Microsoft is known for leading the industry in code re-use. A code analysis comparing Windows 2000 software to its middleware would show a large portion of it had been borrowed from the core OS. In such a culture, source code can not be the basis for determining the lineage of software: either everything will be related (too generous) or nothing will be related (too restrictive). If, on the other hand, 'functionality'' is the basis for lineage, then the picture is more complex: Is Windows 2000 a successor to Windows 3.1 or a completely new and unrelated product? If new, when did the new product become new? Under what definition will the innovation be measured and what threshold will distinguish 'new'' from 'extended'?

part 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.

This claim allows Microsoft to arbitrarily change APIs at any time, and not disclose them to developers. The computer industry is notorious for manipulating release numbers, and for those numbers not adequately measuring when a release is 'major'' or not. Using this ability to change APIs, it would be possible for Microsoft to sabotage competing products, as it did during the Dr-DOS case, by manipulating the APIs in a way designed to break the competing products. Since a competing product must be able to run on all versions of Microsoft middleware, such a change in API would mean a huge advantage to Microsoft's in-house development teams.

Furthermore, restrictions on which APIs released provide other methods for Microsoft to impede 3rd party development. Specifically, by the RPFJ, Microsoft can not be required 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; ... 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.

Microsoft has begun a push to become the most secure operating system in the world. Indeed Bill Gates has said that security should be the company's top priority and that it should be embedded at the most basic levels of the operating system. If Microsoft follows through on this, it could reasonably argue that it could not release the majority of APIs because they were related to security.

In past statements Microsoft has emphasized future work integrating digital rights management into its OS. A reasonable implementation of this would be to have the OS automatically check for digital rights every time that a file is opened. Again, by the same logic, it could decline to release the API for opening a file, arguably one of the most basic APIs in an operating system.

Furthermore, the restrictions on potential licensees require a large amount of disclosure to Microsoft, including the disclosure of company confidential information to a designated agent of Microsoft. Microsoft is allowed to set arbitrary standards for using the protocols without regard to what is reasonable. Microsoft is allowed to set arbitrary standards for what constitutes a business. In the non-Microsoft Middleware Product definition, one of the standards is that a million copies of the product were shipped in the US in the previous year (i.e. products less than a year old or those primarily distributed outside the US do not quality). Similar restrictions for a 'reasonable business'' could include revenue or distribution figures that would, as an example, exclude a large portion of the free software products.

In summary, I feel there are serious defects in the Revised Proposed Final Judgement. I have outlined my objections in three specific areas: the definition of ''API'', the definitions of the various kinds of ''Middleware'', and the various exemptions and requirements related to API disclosure. While I feel there are other problems with the decree, these are the areas I have the most expertise in commenting on, and so I have chosen brevity over completeness. If this RPFJ is accepted, it will strengthen Microsoft's monopoly by providing court-sanctioned methods to leverage its current market dominance in operating systems to new and emerging markets.

Sincerely,
Andrew P Wildenberg
Department of Computer Science
SUNY Stony Brook
Stony Brook, NY 11794–4400

MTC–00027069

From: Bill Herman
To: Microsoft ATR
Date: 1/27/02 6:46pm
Subject: Microsoft Settlement

Dear Judge Hesse,

I am writing this email in response to the public comment request period of the Microsoft settlement case.

I have programmed personal computers since they became available on the market and am deeply concerned with the legal attack on Microsoft. I have used DOS since the product's inception. I have used the Microsoft products ACCESS and EXCEL to hold and organize my data. I have used all versions of Windows when Microsoft created them. I have used Internet Explorer to view the web. At every phase of my professional career, Microsoft has helped me reach my goals. Microsoft has continually anticipated the market and expanded their product line to capitalize on that market. At every turn, they release new and more robust versions of their products. They have continually run after the American dream!

What is their reward? They get slapped with a mammoth anti-trust suit, not from the consumers they ''harmed'', not by some public outcry, not by any of their partners, but from their unsuccessful competitors! What these competitors could not win in a free market, they hope to extort by using the law as a club. If the same antitrust laws were applied to the auto industry, we would all still be riding model T cars since the buggy whip manufacturers could claim ''unfair competition'' and ''intent to monopolize''. If constantly improving one's products to gain market share is a crime, then you have to arrest everyone in any successful business, including myself! Failed businesses must not be allowed to set the rules for the markets in which they failed.

Just as the government protects my right what I read, what I say, or whom I associate with, it must protect my right to choose what software I have on my computer! The way to protect that right is to allow Microsoft and its partners to license and bundle software as they see fit, not as their competitors see as ''fair''. I am not a helpless victim. I make choices in operating system and applications. I can choose the best package for me. The court should not interfere with that choice. Everyone, including Bill Gates, has a fundamental right to his own property. By violating his rights, you violate mine. It is your responsibility to protect that right, not take it away by interfering with how Microsoft or its partners offer their products. A free society and a free economy go hand in hand. History is littered with examples where politicians meddled in a free market. The consistent long-term result was economic stagnation and political tyranny. By becoming a self made man, Bill Gates has not harmed me. In fact, he has helped me greatly. Don't punish success. Rule in favor of Microsoft and stop this travesty of justice!

Sincerely,
William R. Herman
308 108th Ave NW Apt A411
Bellevue, WA 98004
wrherman@iqmail.net

MTC–00027070

From: LCento1724@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:46pm
Subject: micro soft settlement

Attorney General of the United States:

I understand terms of agreement regarding suit between Department of Justice, 9 states, and Microsoft have been agreed to by parties involved. I would like to see these terms finally adopted as agreed to.

Yours truly,
Lorraine Centofante, an interested citizen
CC:RFC-822=MSFINMicrosft.com.
UM.A.2870.4@msfin.unitym...

MTC–00027071

From: Paul Iadonisi
To: Microsoft ATR
Date: 1/27/02 6:48pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgment in the United States v. Microsoft antitrust case.

I am a System Administrator who has been employed in the computer industry for fifteen years. In those fifteen years, I have seen the results of the illegal monopolistic practices of Microsoft that the company was found to be guilty of by U.S. District Judge Thomas Penfield Jackson on November 5, 1999.

I have seen products discontinued by companies who had difficulty breaching the high barrier to entry that Microsoft has consistently kept artificially high. In many cases, the discontinuation of these products harmed the businesses I was employed by.

I have seen companies who I was employed by place less and less emphasis on quality and security in their products and instead focus on become partners with Microsoft to the exclusion of competitive technologies. This has occurred even in cases where the non-Microsoft technologies were of significantly higher quality than their Microsoft counterparts. In at least one case, I was personally harmed by these decisions through a reduction-in-force that was clearly aimed at those who did not agree with the decision to use Microsoft technologies.

All of this could not have occurred were it not for Microsoft's illegally obtained monopoly position. The current Proposed Final Judgment does little to penalize Microsoft for its behavior and little or nothing to prevent future abuses. The Proposed Final Judgment in fact codifies Microsoft's behavior into law.

I strongly urge the court to reject the Proposed Final Judgment currently in consideration and instead work with the nine states who have refused to enter into the agreement for their alternate settlement proposal.

Any proposed remedy should have little or no input from Microsoft. The convicted criminal should never have a say in what punishment he should endure. I am disappointed that the Department of Justice has capitulated to so many of Microsoft's demands in the current Proposed Final Judgment and I urge the court to refuse to accept this agreement. —

Paul Iadonisi
Senior System Administrator
Red Hat Certified Engineer

MTC–00027072

From: Lisa A Cate
To: Microsoft ATR
Date: 1/27/02 6:48pm
Subject: Microsoft Settlement

As a computer user,I don't think that it is right to punish Microsoft excessively.In any industry there will be some companies that are the leaders.Microsoft is a leader in the technology and software industry.They should have the right to make any improvements they feel are desirable to their products.If Microsoft has been ''bullying'' OEMs or their competitors(I'm unsure whether or not they've been doing this)then some behavior remedies may be in order.Breaking Microsoft up would be excessive punishment for anything they may possibly have been guilty of.Including Internet Explorer with Windows is very beneficial for computer users who enjoy internet activities.Even those who prefer Netscape can use Internet Explorer to download Netscape.There isn't any problem downloading competing products that I have found.That is hardly the way I'd expect a company taking advantage of being a monopoly to be doing.While I prefer to use Internet Explorer,I have downloaded Netscape for people who prefer Netscape without any problems doing it and using Internet Explorer to do the downloading.I started using computers October of 1995 and have been learning about how to do stuff with them mostly through reading about it on the internet.If the DOJ is looking for a company that needs a good swatting way more than Microsoft...AOL would be one that does.They bought Netscape and let it stagnate.Now they try to make it look like it's all Microsoft's fault that they have been steadily losing market share with it.There was some news reported in a local newspaper (The Durham Morning Herald) that AOL had plans to aquire RedHat Linux which hasn't happened so far.That makes me think that the only reason AOL bought Netscape was so they could use it to sue Microsoft.AOL ruined my Gateway 133 pentium PC.I wasn't having problems with it until making the mistake of putting in AOL software.I later found that other people have had even worse experiences with AOL than I had.Microsoft has been made to look like the evil monopoly by the likes of AOL and others whose doings make Microsoft look angelic by comparison.This covers most of the points I thought needed to be made about this so I'll close.

Lisa A
Cate
lisacate@rocketmail.com

MTC–00027073

From: Effie Robbins
To: Microsoft ATR
Date: 1/27/02 6:47pm
Subject: microsoft settlement

This suit must get over with as it is wasting the taxpayers and shareholders money. Microsoft is a very reputable company and the Department of Justice needs to finalize a decision as it makes our JUSTICE SYSTEM what it appears to be—a money wasting, ineffective system that does not work for the best interest of—WE, THE PEOPLE who pay and use this system. It just opens doors for lawsuits on any and all companies and has absolutely destroyed our faith in the stock market.

When you are through then you can punish Judge Penfield Jackson for discussing a case to the media and public before it was finalized. At that point, this suit should have been dropped in its entirety.

MTC–00027074

From: Brendan McCullough
To: Microsoft ATR
Date: 1/27/02 6:54pm
Subject: Microsoft Settlement

I don't agree.

MTC–00027075

From: Larry French
To: Microsoft ATR
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement

Microsoft deserves our country's highest honor and praise for accomplishing all it has done and absolutely DOES NOT deserve anyone's scorn or to be punished for working hard and thinking smart. Please show our country, please show my son, that that it pays to work hard and think smart. No one has EVER been forced to buy a product from Microsoft, not even once. In a free market, customers always purchase the best products that they can find at the lowest price. To punish Microsoft for its success will only serve to limit the goods and services that are available to the consumer. In essence, punishing Microsoft will be equivallent to punishing the consumer.

Please show that hard work and smart thinking pay better than political pull! Please show Americas children that it is OK to make heros out of successful companies and people that do the right thing instead of treating them like common criminals.

Please set Microsoft free and do not punish them!

Sincerely,
Larry A. French

MTC–00027076

From: Dpww@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:52pm
Subject: microsoft settlement

i think the settlement reached between the DOJ and Microsoft shold stand and the matter closed. Some may see Microsoft not as anti -competative but as super-competative. They have established cutting edge products priced to consumer satisfaction and are maximizing their profits. This is a textbook economic business model.

If competitors want to earn a bigger share of the market they should come out with a better product or a cheaper one. Computer users are sophicticated enough to recognize a better value and generally well able to afford it if they choose. In every industry if you want to capture more market share you should have to earn it.

As far as the dissident states, i think they are headline seekers attempting to get some unrestricted funds from the ''cash cow'' much as was the case with the tobacco industry.

I dont think anybody gains by continuing this legal battle.Businesses who feel aggrieved can sped thie own time and shareholders dollars fighting with Microsoft. They might be better advised to spend the efforts in making a better product.

MTC–00027077

From: John Edstrom
To: Microsoft ATR
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement

Greetings,

This note is to express my dissatisfaction with the agreement reached in the Microsoft anti trust case. I have already co-signed a letter from Dan Kegel which pretty thoroughly covers most of my objections to the settlement. I personally believe that only a breakup of MS into independent operating system and application/services companies. But I guess that isn't even on the table anymore.

I endorse Mr. Kegel's criticisms of the settlement and his suggestions on better ways to deal with those issues. However, one thing that I find especially irksome and unjust about MS's illegal activities is absence of protection for the consumer. In the past 4 years I have purchased 3 computers. All of them had MS Windows (NT) pre installed. I don't like Windows. I don't use it. I resent being forced to buy it just to get the hardware. More, I can't even find out how much of the total unit price was devoted to the unwanted software. I was told that the information could not be divulged because of the OEM's contract with MS and it wouldn't do me any good since there are no refunds for unrequested, unused software.

In order to prevent this unjust situation from continuing I therefore additionally suggest that something like the following be included in final judgment.

1) The price of all MS software pre installed on a computer will be clearly published on all invoices and in all advertising where the price of the OEM product is displayed.

2) There will be a mechanism whereby a customer can obtain a full refund by returning the software that they didn't ask for, don't want and never use.

3) 1&2 above will be made retroactive to when the action culminating in this settlement was initiated. People who were charged for MS software without their permission during this period will be informed how much they paid for it and will be given an opportunity to return any unused software for a refund plus an interest charge on the money while it was under MS's control.

I don't think that this will affect many people, most of whom would buy and use MS Windows anyway. Still, there is no good reason for not informing people what they are spending their money on and, the notion that consumer choice can regulate markets is just a cruel joke as long consumers are forced to buy Windows anyway even though they choose to use something else.

John Edstrom
Apt. 1
845 SW 10th
Newport, OR 97365

MTC–00027078

From: mbernicegray@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:49pm
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,
Bernice Gray
105 Dawn Drive
Fayetteville, GA 30215

MTC–00027079

From: Jim Mitchell
To: Microsoft ATR
Date: 1/27/02 6:55pm
Subject: Unjust Justice

To whom it may concern:

I am completely outraged at the lawsuit against Microsoft. This organization has done more for this country and its people than all of the organizations that are obviously dead set on the financial ruin of Microsoft and the USDOJ and some members of our government is supporting it. This company has not harmed the people (financially or otherwise) and has done nothing to hurt compitition except compete in one of the most compititive markets in the world. Their prices have been very fair and compititive and their products are superior to all.

Just a few days ago I received updated browser software from my internet provider and guess what, the browser provided was Netscape with no other options and when I started to load it, it gave me no choice except to install Netscape. It took several hours to remove Netscape because it is an inferior product and difficult to use when compared to similar products in the market place (including Microsoft Internet Explorer). At least I have always had the option of loading other supporting products when installing microsoft products. There has always been several choices available or the choice to install none.

My personal request; In the name of the majority of the people, drop this litigation

and stop wasting our hard earned tax money because of a few very greedy and less qualified compititors, states and some of their legislators. Please challenge any compititor to provide a superior product and they will gain market share immediately. What happened to the old saying, ''Build a better mouse trap and the world will be at your door''.

Sincerely,

J. R. Mitchell,

a very concerned Washington State Voter and Citizen.

MTC–00027080

From: Jack Lichten
To: Microsoft ATR
Date: 1/27/02 6:54pm
Subject: Microsoft must not be allowed to do this!

YOU MUST NEVER LET MICROSOFT GET AWAY WITH THIS!!!!!!!!!!!!!!! Yes, it would help the schools, but in such a way as to give monopolize the educational market as well in favor of Microsoft!!! With this plan, Microsoft would give schools super-new Wintels or super-old Macintoshes.

Because of the fact that the Wintels (backed by Microsoft) would be much more souped up than the Macs, the entire school computer buisness would fall to Microsoft (and I'm sure you can guess why). Passing this new agreement would do just that. Remember Standard Oil? This is just that, for the 20th century-ers.

Just my two cents.

MTC–00027081

From: tnhills@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:56pm
Subject: Microsoft settlement

Greetings;

I feel the settlement agreement that is now in effect is fair to both Microsoft and their competiors. I would like to see that settlement approved and not allow anymore lawsuits against microsoft.

Sincerly,
Darlene Hill
P.O. Box 410
Ridgetop, Tn
37152
tnhills@juno.com

MTC–00027082

From: Sean Roberts
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

1/27/2002

To whom it may concern,

My name is Sean Roberts and I am writing to voice my opposition to the current Microsoft settlement proposal. This proposal does nothing to address the issue of Microsoft's dangerous lack of software quality and its effect on national security, nor does it address the ''iron fist'' policy Microsoft employs to choke off the free exchange of information by limiting communication to Microsoft platforms only. The Microsoft settlement proposal not only fails to punish Microsoft for its behavior, but also fails to address the real issue—Microsoft's unwillingness to play on a level playing field.

In this letter I provide details to support my opposition. These details include information about the use of the Internet to freely exchange ideas and Microsoft's serious impact on that free exchange.

I will also give my own negative experiences with Microsoft products and the impact of such poor quality software on national defense.

Background

I work for a company that writes software for US missile defense. Unlike the business world where Microsoft products often provide the only software solutions, the science and defense communities employ a variety of computing solutions—typically various flavors of UNIX. The reasons for employing these alternate platforms are multiple and include, but are not limited to, security, reliability, and computational speed. Microsoft does not offer a platform that can handle the types of computationally complex problems many scientists are trying to solve.

Free Information Exchange vs. Proprietary Protocols

The Internet as we know it today grew from the seed of ARPANET, a network of military computers built for communication between defense installations, and communication between defense research scientists. Later ARPANET was made public so researchers and academics outside the defense industry could benefit from the open sharing of ideas and information that the defense researchers found so useful. At that time, because the protocols were free and open, anybody could get involved in the sharing of information, regardless of the platform they chose to use. Later the business world came to benefit from this ability to share information, to manage their finances, and to allow communication between departments that were separated by large distances. Soon this network grew to allow average citizens to access vast amounts of information that had previously been unavailable to them.

Recently, Microsoft has begun to employ proprietary protocols that prevent citizens using non-Microsoft platforms from being involved in the sharing of information. If you wish to communicate with someone who uses Microsoft products you must also use Microsoft products. It now appears that the Internet, a publicly built and maintained infrastructure designed to allow everyone to participate in a climate of open exchange of ideas is becoming something else indeed. It seems that the Internet is doomed to become yet another strategic tool to maintain and further Microsoft's dominant position in the desktop operating system market, and to allow Microsoft to make further inroads into the server market.

The .NET initiative is taking Microsoft's ''domination'' strategy to new levels (in light of Microsoft's past actions, to think otherwise would be na<ve). This strategy allows Microsoft to gain dominance, not because Microsoft has a superior product, but because its protocols are secret and proprietary. As a result Microsoft is not driven by the need to produce a stable, reliable, and above all secure product. Microsoft does not operate in a climate of fair competition, but in a climate of monopolistic advantage. This has a negative effect on society as a whole, and on the defense industry in particular.

Poor Quality Microsoft Software and National Security

Let me give an example of how Microsoft's poor software design can have a negative effect on defense work. My company had to electronically transmit software we developed to another company in the defense industry, on the other side of the country. We tried to accomplish this transmittal at a time when a Code Red Worm was attacking vulnerable Microsoft products. The traffic associated with this worm slowed the network to such an extent that we were unable to transmit our software.

We eventually had to mail our software on a CD! Our country's missile defense was negatively impacted because of Microsoft's poor software design. Should we wait until another Microsoft vulnerability slows or damages the Internet to such an extent that vital national defense work is not only delayed, but cannot be done at all?

This is just one example of indirect harm to national security due to Microsoft and this harm is minor compared to more direct assaults, ranging from DDOS attacks on government computers, to financial theft, to computer espionage. To maintain a free society we must never allow any single entity to take control of the lines of communications or to dictate the manner by which people access information!

No computer system is going to be 100% secure. As a result of their monopoly Microsoft does not gain from producing a quality product, but instead from secret protocols, Thus Microsoft does not put a premium on stable, secure systems. Microsoft must be made to play on a level playing field if they are to ever shift their focus from using their monopoly to eliminate the competition to producing a product whose success depends on the quality of the product.

Microsoft Settlement Proposal

The current settlement proposal does not address the issues of Microsoft's serious lack of software quality and its effect on national security, nor does it address the Microsoft's ''iron fist'' policy to choke off the free exchange of information by limiting information transfer to Microsoft platforms only. Thus, the proposal not only fails to punish Microsoft, but also fails to address the real issue—Microsoft's unwillingness to play on a level playing field. I have heard some say that punishing Microsoft too harshly is a threat to national security because of the potential financial ramifications. My response to this concern is to ask, ''Is it a good idea that a company becomes so large and powerful that we cannot punish them for their indiscretions for fear of the economic ramifications?'' I would argue that not punishing them hard enough presents a far greater national security threat.

If Microsoft cannot compete on a level playing field, they are really nothing more than a paper tiger. Consequently, basing an entire industry as crucial as computing upon the platform of one such a company is dangerous to the extreme. Artificially supporting Microsoft by allowing them to play by their own rules is simply delaying

their fall, and the longer we wait the worse the fall will be. Not punishing Microsoft hard enough also sets a dangerous precedent that will make it difficult to level sanctions against them or any other company in the future that commits further offenses. ''Caving in'' to Microsoft will prove that our government finds this monopolistic behavior acceptable, and will invite other companies to copy Microsoft's actions. Failing to deliver appropriate punishment will introduce more problems, and certainly will not solve the already existing problems I alluded to earlier.

Summary

In summary, I urge you to provide a settlement with Microsoft that both levels the playing field and punishes Microsoft for it bullying tactics. To level the playing field, the settlement should require all protocols, file formats, and API's to be made public. To punish Microsoft, the settlement should fine Microsoft an amount large enough to make sure Microsoft feels it.

There very well may be economic ramifications from such a settlement, but if we bear those economic impacts now, we can still recover. However, if we delay, the economic ramifications could become truly damaging and even debilitating. The settlement must make the statement that no one, not even Microsoft, can get away with this type of behavior.

Sincerely,
Sean Roberts
413 East Swallow Road
Ft. Collins, CO 80525
sean623@attbi.com

MTC–00027083

From: Brad Jackson
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

Under the Tunney Act, I am commenting on the proposed DoJ-Microsoft settlement.

Microsoft's behavior over the last several years has been arrogant, greedy, anti-competitive, belligerent and ruthless. Bill Gates was extremely combative and uncooperative in giving his deposition during the anti-trust trial and that is a perfect reflection of Microsoft. They entered into exclusive agreements with ISPs to only distribute IE.

They threatened OEMs if they tried to distribute the Netscape browser. They intentionally tied IE into Windows so that it couldn't be easily uninstalled. They could have created IE so that a few core DLL files that are used for rendering HTML by third-party applications are left and the rest of IE could be uninstalled, but Microsoft deliberately chose not to provide that option. Microsoft claimed that IE can't be removed, but they were proved wrong by, of all people, a biologist (!), that runs the www.981ite.net Web site. Even though most users would agree IE is superior to Netscape, Microsoft's very rapid increase in browser market share cannot be explained by that superiority, but can only be explained by bundling IE and making it the default browser on all versions of Windows from OSR2 up to XP.

Microsoft continually harps about their ''freedom to innovate'' but when a giant like Microsoft supposedly innovates, no one else can, because Microsoft won't let them. They are crushed under the foot of the giant, as Netscape and many others can testify. And Microsoft doesn't really innovate anything. DOS was based on an operating system they bought. The Windows GUI was based on the work of XEROX PARC. Word and Excel are just copies of other companies'' ideas. Power Point was bought from another company. Java was invented by Sun and JavaScript was invented by Netscape. IE was based on the Mosaic browser source code that Microsoft purchased. MSN was created specifically to attack AOL.

Windows Messenger was specifically created to attack AOL's IM client and will almost certainly meet the same fate as Netscape's browser. Winamp will eventually be crushed by Media Player. Most Windows users are too dumb to realize there are better third-party products than what Microsoft bundles. Users won't go out and download Netscape 6.2 or AOL IM or Winamp because they have what they need. And then all the competing products disappear because no one knows they exist and then Microsoft's monopoly is expanded into even more markets than operating systems. And the juggernaut marches on in search of still other companies and products to steam roll. Who's next? Palm? WinZip? Firewall products? Anti-virus products? Real Player?

Now Microsoft has left Java out of Windows XP because they want to kill it off and replace it with C#. And they deliberately aren't providing .NET or C# support for Linux because they want to kill it off too.

And they've dropped support for the plugins that are supported by the Netscape browser, forcing plugin developers to write ActiveX controls. And recording studios are now shipping copy protected music CDs which have Windows Media-encoded versions of the music for playing on a computer. But the Microsoft-proprietary music file format can only be played on Windows computers, leaving Linux users in the dark. And the X Box is a ploy to get Windows into everyone's living room. I'm sure there are countless other examples I haven't though of.

I firmly believe that in the near future, Microsoft will switch Windows to a subscription-based pricing scheme, much like AOL, MSN or a private ISP. You'll be required to pay $20 a month to use Windows or your computer will stop functioning. Don't think they won't try to do it because they can and if they decide to do it, what choice do any of us have?

Microsoft has such a stranglehold on the desktop market that they can extort as much money from companies as they choose. They've recently changed their licensing scheme to force customers to upgrade more often or else they will have to buy the full version instead of an upgrade. This which will cost companies more, making Microsoft even richer. And it's not as if they need more money. They're sitting on an estimated $36 billion in cash and they're one of the few companies that's still very profitable even with the economy in recession. It doesn't take a genius to see why they're still profitable. It's because they have millions of individual users and businesses firmly by the balls.

What's a company going to do if the don't agree to Microsoft's terms? Switch to Macintosh or Linux? Either of those alternatives probably aren't too appealing to most companies. Mac hardware is expensive and Linux isn't quite user-friendly for most users. And the training and support costs would be enormous for either. Most companies will reluctantly pay the costs that Microsoft demands because there really aren't any viable competitors to choose from. And just imagine a world without Mac and Linux. If the market for Macs continues to shrink, and Apple finally decides to kill it off, then Linux will be the only other choice.

Can you think of any other market in which there is only one viable choice? Imagine if there was only one automobile manufacturer and they only sold two makes of cars. Or one television manufacturer that sells two models. This is analogous to Microsoft selling Windows 2000 and XP. The companies in markets where consumers only have one choice, such as electricity, natural gas or telephone, are regulated monopolies because it's necessary to prevent customers from being gouged by a greedy business. Why should Microsoft be an exception to this rule? The so-called ''punishment'' that was agreed to by the DoJ and Microsoft is not even the equivalent to a slap on the wrist. The executives at Microsoft must be jumping for joy at having received such a light sentence. It's the equivalent of a serial killer being given community service and being placed on 30-day probation. What a f—-ing joke. The millions spent on the anti-trust trial so far have been wasted if we let Microsoft off with the current (pathetic) agreement. We need to get something back from what we've spent so far and that means real punishment with sharp teeth. Microsoft should have no say in its punishment. Do we give serial killers a choice about how many years they're sentenced to or whether they would like the death penalty? We need anti-loophole clauses that threaten Microsoft with a death penalty, such as forcing them to release the source code to Windows, if they try to do something sneaky like finding a loophole to get out of a restriction and effectively raising their middle finger to the DoJ.

Never ever underestimate how devious they are capable of being. If you turn your back for a split second they will shoot or stab you in the back. An absolutely air-tight agreement is mandatory.

Some ideas for effective forms of punishment for Microsoft include:

1. Force them to document the file formats used by Word, Excel, Power Point, Access, etc. so other companies can make fully compatible products, thereby increasing competition, which will increase the quality of the products, drive down the currently outrageous prices and give individual consumers and businesses a real choice

2. Force them to distribute a version of Windows without IE, Media Player, Windows Messenger, the firewall, etc. at a discounted price

3. Make IE source code available under a reasonable license

4. Prevent Microsoft from being able to punish OEMs that choose to distribute alternative operating systems like Linux or

alternative browsers like Netscape or Opera on their desktop systems

5. Under anti-trust law, Microsoft must be denied the fruits that they've enjoyed from abusing their monopoly power, therefore they must be fined an appropriate amount of money, enough so that it will be a serious deterrent from future infractions

6. As long as Microsoft controls more than X percent of the desktop market, say 75%, force Microsoft to license the source code to all future versions of Windows to third-party companies for a reasonable price, including the ability of those companies to distribute their own customized versions of the operating system

7. Force them to document all communication APIs such as file and printer sharing or things like the NTFS filesystem, and prevent them from using sleazy tactics like parenting these technologies or forbidding reverse engineering to prevent others from making inter-operable products, like SAMBA.

8. Force them to make Linux versions of products such as IE, Office, Media Player, etc. to promote competition on the desktop

9. Continually monitor Microsoft's power and market share in all the different markets that they are attempting to gain monopoly power in and if they start to become too powerful in a market, actions must be taken to promote competition

10. Force all APIs to be documented so products like Wine, LindowsOS, Win4Lin, etc. can provide complete support for Windows under Linux The thought of a world where numerous markets are controlled by a malevolent monopoly like Microsoft is chilling and should be of great concern to everyone. Please take steps to ensure that significant competition is promoted in any markets that they are attempting to gain a choke hold in so that consumers can have the benefits of superior product quality, lower prices and more than one choice.

Brad Jackson
Programmer Analyst
Cedar Rapids, IA

MTC–00027084

From: Frederick Bauman
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Re: U.S. v. Microsoft: Settlement Information

''break-ups'' are silly. Consider the following as a loose framework for long term and meaningful solutions:

1. oversight committee (to oversee the following)

2. percentage of yearly gross of Microsoft to technology start-up fund. To which technology related companies may apply to for grants.

3. cease and desist of any mergers or acquisitions

4. immediate re-negotiation of all OEM contracts (specifically to include multiple OS on boot-up)

5. open Windows source code to new open developer committee (specifically to ensure security and compatability)

MTC–00027085

From: bekki
To: Microsoft ATR
Date: 1/27/02 6:59pm
Subject: Microsoft Settlement
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division, Department of Justice,
601 D Street NW, Washington, DC 20530
Re: Public comment (Microsoft case settlement) that under the Tunney Act must be considered before the settlement is accepted.

Dear Mrs. Hesse:

I would like to respectfully request that you reject the Proposed Final Judgment in its present form.

The Proposed Final Judgment as currently written appears to lack an effective enforcement mechanism. Although it provides for the creation of a Technical Committee with investigative powers, it leaves actual enforcement to the legal system. I believe this will cause the Technical Committee to quickly become irrelevant. I am convinced Microsoft will waste no time in exploiting this fact in view of the lack of resolve shown by the Justice Dept. to carry out an effective punishment in the sentencing portion of the case. If this administration does not show now that it is capable of acting with forceful determination, then I have no doubt that Microsoft will be emboldened and will push its bullying practices to new heights.

There are too many problems with the PFJ in its current form to address effectively in this letter so I would like to keep it as brief as my conscience will allow so I will just point out several of the most glaring injustices:

Microsoft is going to replace Java with .NET. But the PFJ does not allow users to replace Microsoft.NET with competing middleware. This is a serious flaw since the PFJ already allows users to replace Microsoft Java with a competing product. In any case, the PFJ's definition of ''Microsoft Middleware'' is so narrow that it can be easily sidestepped making any remedy tied to this definition irrelevant.

The PFJ's definition of Windows is also so narrow that it will surely not cover subsequent versions or other related Windows-based operating systems (XP, CE, etc.) that use the Win32 API and are advertised as being ''Windows Powered''. This shortcoming will again make any any remedy tied to the definition irrelevant.

By not providing a remedy helping software vendors engaged in making Windows-compatible operating systems, the PFJ is ignoring an opportunity to foster healthy competition in the Intel-compatible operating system market. Furthermore, by allowing these practices, the PFJ effectively condones the extension of Microsoft's monopoly in Intel-compatible operating systems. Microsoft's continued leverage of their illegal and ill-gotten monopoly on the desktop has now positioned the company to extend its control to the Internet. As a citizen I am dismayed: the continued indifference of this administration will ultimately lead to a monolithic entity controlling all relevant aspects of our cyber-society. As a consumer I am saddened: we will face a world devoid of choice in that arena. In the end, we will all have to pay the price.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems: 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. This leaves Windows-compatible operating systems in an uncertain state in which they do not know if they are infringing on Microsoft software patents.

It is disconcerting that the PFJ still 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. Section III.B. also allows Microsoft to offer unspecified ''Market Development Allowances'' to OEMs that promote other unrelated Microsoft applications or products. This is a huge loophole that will again allow Microsoft to leverage its monopoly into other areas.

To conclude, I would like to plead with this administration to stop its apparent indifference to the wrong-doings of large corporations such as Microsoft and to apply true remedies with real teeth when a corporation has been found guilty of monopoly.

I sincerely hope that the currently unfolding Enron debacle will make this administration more sensitive to the fact that tacitly supporting another large company's practices, like Microsoft's, by turning a blind eye to its illegal business practices will ultimately carry an enormous price to our society.

You now have a historic opportunity to redress this and apply real remedies that will send the message that illegal business practices will not be tolerated any more.

I urge you to act now, decisively, and with justice on behalf of our future. I want to believe that you will do the right thing.

I really wish to thank you for your time and for considering my views.

Sincerely
George Soler
Software Developer, eRide Inc.
7 Hallam St. 3A
San Francisco, California 94103

MTC–00027086

From: Michael Jaehrling
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

To whom it may concern:

Microsoft should be lauded, not hounded. In working for their own success they have made all of our lives easier and more enjoyable. If there have been others who have not been able to compete (and there have been many who can and are), that is how business works.

I say: LEAVE MICROSOFT ALONE!

Let them get on with their business—making better software.

Sincerely yours,
Michael Jaehrling

General Manager
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MTC–00027087

From: Chasslay@ao1.com @inetgw
To: Microsoft ATR
Date: 1/27/02 6:59pm
Subject: Microsoft Settlement
CC: microsoftcomments@doj.ca.gov; @inetgw,steven.rutste...

I strongly oppose the Justice Department's proposed settlement of the Microsoft antitrust case for the following reasons:

Five Fundamental Flaws in the PFJ:

1. The PFJ does not End Microsofta. TMs Monopoly and Even Allows Microsoft to expand its Monopoly into Other Technology Markets. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsofta. TMs monopoly will survive and be allowed to expand into new markets. Microsoft has always found it advantageous to leverage its operating system monopoly position in order to maximize its own profits, which many of us have experienced firsthand.

In other words, to maximize profits (the goal of every public company), monopolists are almost forced to maximize the market power that their monopoly gives them. And this is why ALL monopolies must be carefully watched to make sure they dona. TMt abuse their monopoly position. Indeed, many monopolies are either broken up or carefully regulated in order to protect the public interest. Why is Microsoft allowed a waiver to this general rule?

Does the Justice Department think that Microsoft is going to suddenly change its operating methodology? The proposed deal with the justice department does not address the fact that Microsoft has abused its monopoly and is likely to do so again, and again, and again in the future to the detriment of others.

2. The PFJ Does Not Adequately Address Anticompetitive Behavior Identified by the Appeals Court.

A. Retaliation. The proposed settlement does not address Microsofta. TMs proven ability to retaliate against would-be competitors and to, in effect, appropriate the intellectual property of its competitors a.'' and even its partners a.'' in fact all who do business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues. Again, many of us have been on the receiving end of these types of Microsoft bullying tactics.

B. Bolting. The PFJ does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsofta. TMs decision to bind a.'' or a.??bolta.. a.'' Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft a.??sole discretiona.. to unilaterally determine that other products or services which dona. TMt have anything to do with operating a computer are nevertheless part of a a.??Windows Operating System product.a.. This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free in future versions to bolt financial services, cable television, or the Internet itself into Windows.

C. Java. The Court of Appeals affirmed that Microsoft had unlawfully and intentionally deceived Java developers and a.??polluteda.. the Java standard in order to protect its monopoly and defeat competition. Yet, the proposed settlement does not restrict Microsofta. TMs ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software.

Indeed, Microsofta. TMs decision not to distribute Java technologies with Windows XP, which hurts developers and consumers alike, will be the shape of things to come under the proposed deal unless the Court requires Microsoft to continue to distribute Java technologies.

3. The PFJ Incorporates Such Large Loopholes to Its Enforcement Provisions as to Render Enforcement Meaningless.

A. Middleware. As part of the PFJ, Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsofta. TMs middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitora. TMs middleware, which many users would undoubtedly do.

B. Communication Protocols. The PFJ states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. This again is the huge loophole of a.??Boltinga.. that was discussed above. If Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the APIa. TMs and other basic information that is needed by the competitor to ensure its software works with Windows. And without reliable access to 90% of the PCa. TMs in the world a.'' no competitor can survive. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in a.??their viewa.. do not have a.??viable businessa.. (defined as selling at least 1million units in the previous year).

This loophole will allow Microsoft to hamper new software startups from becoming true competitors simply if in Microsofta. TMs a.viewa. TM they are not a a.??viable businessa... Who can really say which new startup is a a.??viable businessa..? Certainly this should not be left to the judgment of a voracious monopolist.

Lastly, Microsoft does not have to disclose this coding information if Microsoft deems such disclosure would harm the companya. TMs security or software licensing. There is no provision to say who is to make this determination, leaving it on a de facto basis up to Microsoft.

C. Bribing Competitors. The PFJ states that Microsoft a.??shall not enter into any agreementa.. to pay a software vendor not to develop or distribute software that would compete with Microsofta. TMs products. However, another provision in the Agreement permits those payments and deals when they are a.??reasonably necessary.a.. Who is the ultimate arbiter of when these deals would be a.??reasonably necessary?a.. The Agreement does not specify so Microsoft may well be allowed to make that decision.

4. The PFJ Does Not Provide an effective Enforcement Mechanism for the Weak Restrictions it does Implement,

The proposed settlement requires a three-man compliance team to oversee Microsofta. TMs compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committees sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.

5. The PFJ Does not deny to Microsoft the Fruits of its Past Statutory Violations. Under the proposed settlement, Microsoft is only marginally penalized for its anticompetitive misdeeds. Every court involved with this case has acknowledged that Microsoft broke the antitrust laws, yet under the terms of the proposed Agreement, Microsoft would be allowed to retain almost all of the profits gained from these activities.

Nor does the PFJ make an accounting of all the gains Microsoft made through its illegal activities, nor does it try and compensate those harmed by Microsofta. TMs misdeeds. Through this proposed settlement, the Justice Department is sending a very clear (and very dangerous) message that anticompetitive behavior is totally acceptable. Every large potential monopolist is being told that they can get away with this sort of illegal behavior without fear of losing any of the profits made from such conduct. There is every incentive for future monopolists (most definitely including Microsoft) to engage in this type of predatory conduct and no incentive not to.

Charles C. Slay
PO Box 27, Branson, MO 65165

Telephone: 417–334–2210
Email: chasslay@bigfoot.com

MTC–00027088

From: JHimers@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:01pm
Subject: Microsoft Settlement

It is clear that the current Proposed Final Judgement does in no way address the anti-trust allegations/findings of previous courts. Worse still, there seems to be no mechanism in place for ensuring 1) that such behaviour is corrected in the future and 2) that the consumer is protected from the lack of choice provided by a Microsoft Monopoly. I would urge you to protect the public consumer as well as other IT companies that are doomed to failure because of the monopolistic conduct of Microsoft.

Joshua C. Himes
2733 Cantwell Road
Virginia Beach, VA 23456–6633
(757) 427–0965 (Home)

MTC–00027089

From: Rick Legge
To: Microsoft ATR
Date: 1/27/02 7:02pm
Subject: Microsoft Settlement

I am writing to express my strong opposition to settlement of the Microsoft Antitrust case because the reasons outlined below.

1. Microsoft, through their unfair marketing and promotion tactics have successfully established their operating systems and office suite applications as de facto standards throughout the United States, and world business communities.

2. Because of the pervasive use of these operating systems and applications there is no longer a viable free market survival opportunity for competing operating systems or applications.

3. This lack of survivable opportunity has created and is perpetuating a market so completely dominated by one technology and one company that there no longer exists free choice in the market place.

4. This lack of survivable opportunity effectively prevents research and development of better, more advanced, more efficient, and more reliable operating systems and applications and this deprives our nation and the world of progress.

5. Microsoft's predatory practices perpetuate their complete dominance by failing to seamlessly exchange information with competing applications and operating systems even though the competitors are able to seamlessly exchange information with the Microsoft products.

6. This barrier to seamless interchange and communication creates an onerous obstacle to any individual or business that would otherwise vote for another application or operating system in the free market by purchasing other manufacturer's products

7. Market dominance, such as the dominance enjoyed by Microsoft, enables the company (Microsoft) to market products to our nation and the world that are flawed and defective beyond reasonable standards and that same dominance robs the consumer of his/her ability to ''vote'' for alternatives by purchasing and using alternative software.

The free market, and the United States Federal Government would not allow the manufacture and sale of an automobile, or pacemaker, or simple power tool or kitchen appliance that periodically stopped functioning and needed to be ''re-booted''. Yet Microsoft operating systems and software, which unquestionably have this unacceptable characteristic, are allowed by the lack of viable free market survival opportunity and their complete dominance of their market to be widely used in Public Safety dispatch and communications systems, the nation's public switched telephone network (PSTN), medical emergency and delivery systems, as well as other systems that directly impact public health and welfare and defense of the nation. More reliable and efficient alternatives are unavailable because one company completely controls such a dominant share of this market that innovation, improvement and progress are prevented. This absence of choice is as un-American as a single telephone company, or a single presidential candidate on the ballot.

Our trust is in you, the people of The Department of Justice, to do the right thing with this difficult problem and create an environment that fosters progress.

Sincerely,
Richard C. Legge Jr.
231 River Village Drive
DeBary, Florida 32713
386–753–1105
CC:Attorney Florida State,microsoftcomments@doj.ca.go...

MTC–00027090

From: Burton Cohen
To: Microsoft ATR
Date: 1/27/02 7:01 pm
Subject: Microsoft Settlement

Here are two articles that should help you realize that Microsoft is less than honest (first article) and not being given a harsh penalty for having been convicted of braking the law:

This first article is from the San Jose Mercury News which interviewed the author of the Tunney act:

Posted at 12:23 a.m. PST Saturday, Jan. 26, 2002

Lobbying act author criticizes Microsoft
Antitrust disclosure called ''inadequate''
BY KRISTI HEIM
Mercury News Seattle Bureau

Microsoft's failure to disclose all its contacts with the government directly contradicts the intention of a federal law designed to prevent the influence of lobbying on antitrust settlements, the former California senator who wrote the law said Friday.

John V. Tunney, who wrote the antitrust legislation known as the Tunney Act in 1972 and is now a business executive, called Microsoft's brief disclosure of its lobbying activities ''inadequate'' in an affidavit filed with the Justice Department this week.

The declaration comes at a crucial point in the long-running case as a federal judge is deciding whether a proposed settlement between Microsoft and the federal government is in the public interest.

Tunney has been silent on antitrust matters for years but said in an interview with the Mercury News that he felt compelled to ''set the record straight.''

''I do have some pride in my legislative record and my history of service in the Senate, and I don't like to have my words and my intention being misinterpreted,'' Tunney said in a telephone interview Friday.

The Tunney Act was passed in 1974 after the Nixon administration dropped an antitrust case against telecommunications giant ITT and it was later found that ITT had secretly negotiated to pressure the Justice Department to agree to a settlement.

''The disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through the legal process,'' Tunney stated in his affidavit filed Thursday.

''Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.''

In their brief filing two months ago, Microsoft's lawyers followed a narrow interpretation of the law. The company reported to the court only a handful of contacts, those with Justice Department lawyers and two federal mediators.

Tunney said the law was intended to cover contacts with any member of the executive, legislative or judicial branches of government by any company lawyer, lobbyist or executive.

Tunney was asked to provide his interpretation by Jeff Modisett, a partner in law firm Manatt Phelps & Phillips in Los Angeles, where Tunney practiced after leaving the Senate until 1983. The firm's clients include Microsoft rivals Oracle and AOL Time Warner. Tunney said he has no involvement in the case itself and was writing simply as the author of the original legislation.

Microsoft did not report its extensive lobbying of Congress or a White House meeting last summer between its chief executive, Steve Ballmer, and Vice President Dick Cheney.

''We made the full disclosure that was required by the Tunney Act and are looking forward to the court's review of the settlement,'' Microsoft spokesman Jim Desler said Friday. Microsoft used a precedent set in the AT&T antitrust case in deciding only to disclose contacts with the executive branch.

Tunney argues that Congress specifically intended to cover communications by corporate officers, lawyers, lobbyists or ''anyone else acting on behalf of such corporate defendant'' with ''any officer or employee of the United States concerning or relevant to such proposal.''

''If a defendant corporation did not have to disclose any contacts or communications with the government'' until an actual settlement decree is in place, he wrote, ''the very purpose of the disclosure would be defeated.''

The settlement reached in November between Microsoft, the Justice Department and nine states is under review by U.S. District Judge Colleen Kollar-Kotelly. The settlement has been criticized as being riddled with loopholes and ineffective at curbing Microsoft's monopoly practices. A 60-day public comment period regarding the proposed settlement ends Monday. (Comments can be submitted by e-mail to

microsoft.atr@usdoj.gov. Nine other states, including California, chose not to sign on to the proposed settlement and are pushing for harsher remedies. A hearing in their case is scheduled for March 11.

Tunney is president of JVT Consultants and sits on several executive boards, including that of Foamex, a Linwood, Pa., producer of cushioning for bedding, furniture and other markets.

The second article is from an Industry pundit who declares that the punishment that was worked out is not a punishment but in fact a victory for Microsoft and a defeat for free enterprise.

It appeared in Industry Week this weekend:

Articles—Publication Date 2.1.2002

E-Business Commentary—Gates Skates

Microsoft walks away with a sore wrist and a slice of Apple's pie.

By Doug Bartholomew

It was the Slap Heard ''Round the World.

That wimpy ''thwack'' sound you heard was Microsoft Corp. getting a swift wet one on the wrist from the U.S. Government's rubber noodle out back of the Justice Department woodshed. I mean, that cheeky guy from Seattle with the ego the size of Jupiter and a net worth greater than half the countries on earth will think twice before doing that again!

But, hey, lest you believe Big Redmond got away without being punished, think again. Microsoft, in exchange for the dismissal of more than 100 private class-action antitrust cases, will have to cough up $1 billion dollars'' worth of its software and services free to the nation's poorest public schools. Alright! Eliot Ness and the G-men to the rescue!

But wait. Now comes Apple Computer CEO Steve Jobs—sore sport! Jobs cried foul, charging that the so-called ''punishment,'' instead of restricting Microsoft's aggressive activities, actually gives Microsoft the keys to the lucrative educational software business.

wow. You can see why this deal would give Jobs a burr the size of a grapefruit under his saddle . Except for some high-powered graphic stuff used by a few dozen people who make movies with computers, education is one of Apple's few remaining markets of any size. And no wonder. Just about every cubic gigabyte of corporate computing turf on the globe is taken up by scores of different versions of Microsoft Windows residing on a few hundred million Intel-powered PCs. I mean, the last time Apple had more than a single-digit share of the market, there was a buffalo on the nickel.

Under Uncle Sam's wrist-whipping plan, Microsoft would implant a million rebuilt computers and a million copies of Windows operating-system software in more than 12,500 schools in low-income neighborhoods over the next five years. The company also would be made to donate $450 million to a private foundation to fund grants, training and technical help for the schools— the idea being that computers and software are no good without the staff and training to put them to use.

Apple has complained that the problem with the settlement lies not in its intent, but in the way it's set up to encourage the use of Microsoft software. Apple wants to ensure that school administrators are free to pick whatever computers and software they want. Thus, Apple is imploring the Feds to revise their plan and force Microsoft to provide funds, not machines and software. Remember, this is a company sitting on $35 billion in cash. It's useful to keep in mind, though, that politics and business have at least one thing in common with sports, and that is, it's never over until it's over. Microsoft may not be off the hook just yet.

No, we're not talking about the Lone Ranger to the rescue. It seems that nine states and the District of Columbia have decided to continue litigation against Microsoft in hopes of swapping out the government's wet noodle for a stiff chunk of hickory with a few nails poking out one end. Consumer groups are up in arms, too. ''Consumers in the United States already have lost $10 (billion) to $20 billion in overcharges due to the Microsoft monopoly,'' says Mark Cooper, director of research of the Consumer Federation of America. ''We don't want to lose billions more.''

Will the Feds listen? Will the Department of Justice toughen up its settlement proposal?

Don't bet on it. When you have a nation that's mired in recession and a stock market that behaves more like an old swayback mare than a bull or a bear, it's time to pull in your horns. Anyone who wonders why the Feds backed off should simply recall the decades-old adage about General Motors and America. It's clear Washington believes that the same holds true for Microsoft today. That's right, for what it's worth, Uncle Sam believes what's good for Microsoft is good for America.

Hey, it could be worse. I mean, Microsoft could have gotten 10 detentions and had to write on the title screen for Windows XP, ''I WILL NOT monopolize the software business, I WILL NOT monopolize the software business, I WILL NOT . .''

Doug Bartholomew is an IW senior technology editor. He is based in San Francisco.

I hope that you will make sure that Microsoft is not allowed to dictate the settlement but rather it will be your judgment that they must pay a heavy penalty for the misdeeds which they have been convicted of.

Burton Cohen
TBI Computer, LLC
bcohen@tbicomputer.com
(203) 222–1878 Telephone
(203) 858–4728 Cell Phone

MTC–00027091

From: Nate Bargmann
To: Microsoft ATR
Date: 1/27/02 7:00pm
Subject: Microsoft Settlement

I am writing to express my concerns about the tentative settlement reached between the US Department of Justice and Microsoft Corporation on November 6, 2001. I find little in this settlement agreement that will stop the predatory practices of Microsoft and ensures a level playing field for all competitors with regard to file formats, network protocols, and Original Equipment Manufacturer licenseing agreements. Even more egregious than the weak settlement agreement is the lack of a penalty for violations of antitrust law. The US District Court found Microsoft guilty of several violations of antitrust law and on appeal those findings were upheld. The settlement does not adress these issues in any substantive way as the behavior restrictions amount to, in common parlance, a slap on the wrist. Nothing less than a real and severe penalty will prevent this issue being revisited in several years. If a severe penalty is not assessed, respect for antitrust law will be severely weakened by future companies that gain a majority market share and is a dangerous precedent.

In addition to a substantive penalty, I believe we have an opportunity to prevent further market place abuse on the part of Microsoft. The remedy must include provisions for ensuring that Microsoft's Office file format specifications are made publicly available (under a royalty free license that does not allow use restrictions) to any software author writing an interoperable program on any operating system, not just Microsoft Windows. Likewise, network protocols must be simarily publicly disclosed as with the Office file formats. Finally, the Application Programming Interface specifications for all versions of Microsoft Windows must be likewise disclosed to prevent abuses due to Microsoft's applications writers having privileged access to the Windows source code.

Finally, Microsoft's ability to control a purchaser's choice of operating system and application software through OEM license agreements must be eliminated. Microsoft must be barred from dictating in any way the software any OEM wishes to offer for sale with its hardware. Microsoft's role must be limited to producing its software and offering it to OEMs in the same manner as it is offered to the retail sales chain.

In addition, OEMs must be required to disclose the real licensing cost associated with preloading Microsoft's products as a seperate pricing option, such as many do with a display monitor now. Microsoft must be barred from OEM licensing arrangements that prevent an OEM from offering hardware without an operating system installed or prevents an OEM from offering its systems preloaded with any competing operating system(s) and application software.

Failure to enact and enforce all of these conditions and impose substantive and severe penalties for past violations of antitrust law will result in further antitrust proceedings against Microsoft. This is something I do not wish to see. Rather, I want to live and work in a country with a growing, varied, and vibrant Information Technology infrastructure. Stopping Microsoft's predatory and illegal monopolistic practices ensures such a future for me and generations to come.

Respectfully submitted,
Nathan F. Bargmann
P.O. Box 22
Bremen, KS 66412
email: n0nb@netowrksplus.net
Wireless Amateur Radio Station N0NB
Internet n0nb@networksplus.net

Location Bremen, Kansas USA EM19ov Wichita area exams; ham radio; Linux info @ http://www.qsl.net/n0nb/

MTC–00027092

From: Bruce W. Bromley
To: Microsoft ATR
Date: 1/27/02 7:03pm
Subject: Microsoft Settlement
Bruce W. Bromley, Ph.D.
Senior Princpal Scientist
7112 Cheshire Ct.
Alexandria, VA 22307
703–765–5074 (home)
202–223–8808 (work)

Dear Sirs:

I would like to comment on the proposed final judgment between the United States of America and Microsoft Corporation. I feel strongly that this proposed settlement is inadequate to protect consumers and software developers from Microsoft's monopolistic practices.

Although I feel there are many problems with the proposed settlement, I will discuss only one— running programs in Windows (''middleware'') not developed by Microsoft or using Microsoft proprietary tools.

Section H of the proposed settlement is vacuous.

As I read section H, it requires that Microsoft not preclude the use of non-Microsoft programs. The caveat is that non-Microsoft programs must implement Microsoft—proprietary constructs (e.g. ''ActiveX'') and architectures (''a server maintained by Microsoft''—i.e. anything running Windows). The net result is that only Microsoft-based software can be used with Windows.

Any acceptable settlement should unequivocally restrain Microsoft and threaten disembowelment.

Sincerely,
Bruce W. Bromley, Ph.D.

MTC–00027093

From: Lea
To: Microsoft ATR
Date: 1/27/02 7:02pm
Subject: this country was built on free enterprise—

this country was built on free enterprise—

i applaude Bill Gates for what he has done. He is the best of the best! why do those who can't compete with him try to take away all that he has done ?

Bill Gates has given to all the folks who know nothing about computers, a chance to learn.

If it weren't for Bill Gates, I never would never know how to surf the internet

Bill Gates is a perfect example of folks who make a difference in our lives,and how to improve ourselves!!

Why does the government try to stop creative people? Bill Gates has given so many folks so many ways to use their computers, and the rest of the industry is so jealous of what he has done.

I hope that Microsoft goes on forever!!

MTC–00027094

From: Bob Redfern
To: Microsoft ATR
Date: 1/27/02 7:03pm
Subject: Microsoft Settlement

Gentlemen:

Lets stop bleeding good tax money into something that should have been settled months ago. This is a system of free enterprise. Stop wasting tax dollars to support a bunch of money hungry lawyers and groups who just can't cut it in todays competition. Time is money and you are wasting it.

Robert Redfern
Melbourne, Fl 32940

MTC–00027095

From: Henry H Yeh
To: Microsoft ATR
Date: 1/27/02 7:04pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Please find the attached letter showing my support for the Microsoft Corporation. I am also faxing you a signed copy for your record. Thank you for your consideration of this matter.

Sincerely,
Henry Yeh
L & H of California, Inc.
Tel. (562) 926–2512
Fax. (562) 926–2226
e-mail: cyberyeh@vistawear.com
L & H of California, inc.
13825 bentley place cerritos/ca 90703
Phone: (562) 926–2512 Fax: (562) 926–2226
January
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to show support for the Microsoft Corporation in light of the recent litigation against them and pending settlement. I firmly believe that Microsoft has done absolutely nothing wrong and therefore should not have to undergo any further litigation. I do not believe that Microsof t ever had a monopoly. I think that adding new features to your products in order to stay competitive in a fiercely competitive industry should not be considered a monopoly, but a good business practice. To give a loose comparison, I think that if a car manufacturer wishes to make its cars more attractive by / adding features like the navigational system or a special stereo, they should be allowed to do that with no penalty. I also believe that without these little ''extras'' companies, including Microsoft w ould not do as much business as they do.

Microsoft has been more than accommodating in their recent settlement with the government. In fact, in my opinion they have already given too much considering that they have done nothing wrong. I think that Mic rosoft's willingness to comply is best illustrated by their acquiescence to a ''Technical Committee'' that monitors their compliance with the settlement and will assist in the resolution of any disputes that other companies or states may have with Microsoft.

I also believe that Microsoft's Internal Interface Disclosure is a sure sign of the fact that they are willing to try and resolve this issue.

I look forward to a swift end to this entire issue. I believe that Microsoft has given on many issues without getting much in return and I believe that they have done so with a spirit of good business practice in mind. I appreciate your consideration of this matter.

Thank you.
Sincerely,
Henry Yeh

MTC–00027096

From: David Burr
To: Microsoft ATR
Date: 1/27/02 7:05pm
Subject: Microsoft
David Burr
4870 Wildrye Drive
Boise, ID 83703
January 27, 2002
Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a computer professional that has been following the Microsoft antitrust case, I personally feel this has all been a waste of time and money. This case is damaging the economy. I am afraid for any recourse if we allow this litigation to continue.

Microsoft has done everything in their power to get this case resolved but there seems to be no end in sight. I was glad when a settlement was reached in November, but now that several states and companies want to pursue further litigation, it's upsetting. Microsoft did not get off as easy as its opponents would have you think. They went through years of extensive negotiations and mediation. Microsoft agreed to disclose various internal interfaces of their operating system to the competition. This makes them vulnerable. How many other software companies would agree to disclose such proprietary information to their competitor's? Yet, this doesn't seem to be enough.

What does it take to resolve this dispute? Let's end this litigation so we can move on to more pressing issues facing Americans. Thank you for your consideration.

cc: Senator Larry Craig
Sincerely,
David Burr
davidnburr@cableone.net

MTC–00027097

From: Mike (038) Sherri Unger
To: Microsoft ATR
Date: 1/27/02 7:05pm
Subject: Microsoft Settlement

Attached are my comments on the Microsoft Settlement. I've attached both a signed and unsigned copy of my comments.

Thank you for the opportunity to comment on the settlement.

Sincerely,
Sherri A. Unger
712 Castle Pines Dr. North
Salem, OR 97303–7480
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 27, 2002

Dear Mr. Ashcroft:

I am strongly in favor of a prompt settlement to the Microsoft anti-trust case. Your Department and Microsoft, along with

a majority of the party states, have agreed to terms on a settlement. The trial court has endorsed it. The majority of Americans and of people in the IT industry will welcome it. Outside of the greed and petulance of a minority, there is no call to prolong this litigation. I think it is in everybody's true best interest to resolve this matter and ratify the settlement plan.

The plan will allow Microsoft to continue to function in its present corporate form. In return, Microsoft has agreed to radically alter both its business practices and philosophy. It will eschew any predatory or retaliatory marketing practices. It will endeavor to configure new Windows systems to readily accept its competitors'' software. It will no longer contractually require computer manufacturers to exclusively use Microsoft software in its licensing agreements. It will share its technology to an unprecedented degree with the rest of the IT industry.

These and other terms underline Microsoft's commitment to its industry and its vision for a vibrant technological future for America. Please use your influence to see the plan ratified.

Sincerely,
Sherri A. Unger

MTC–00027098

From: Song Tan
To: Microsoft ATR
Date: 1/27/02 7:13pm
Subject: Microsoft Settlement

I would like to comment on the Proposed Final Judgment in United States vs Microsoft.

I am not a lawyer. I am not a member of the computer industry. I am a U.S. citizen who is concerned about the proposed judgment because it fails to hold Microsoft accountable for its illegal monopoly now or in the future. Instead, I believe the proposed judgment provides a blueprint for Microsoft to maintain an illegal monopoly by obeying the letter of the Proposed Final Judgment, but not the spirit of the law.

I agree with the comments of Dan Kegel at http://www.kegel.com/remedy/letter.html

Here are specific problems I have with the Proposed Final Judgment:

1. Critical terms are defined so narrowly that it will be easy for Microsoft to continue its anticompetitive behavior while still obeying the Proposed Final Judgment. Examples of unnecessarily narrow definitions include ''Application Programming Interfaces'', ''Microsoft Middleware'', ''Microsoft Middleware Product'' and ''Windows Operating System Product''.

2. The Proposed Final Judgment fails to provide for future advancements in the industry. Microsoft's .NET plans will perpetuate its illegal monopoly and yet .NET is not adequately covered by the Proposed Final Judgement.

3. The Proposed Final Judgment does not provide an effective enforcement mechanism. It is strongly reminiscent of the 1994 consent decree in that Microsoft simply agrees to behave itself in the future. Microsoft has shown that it will either flaunt the rules in the settlement or find legal loopholes to achieve the same effect.

Our society does not look kindly on repeat offenders, especially ones who blatantly flaunt the law. Why should Microsoft be any different? Among the many important issues at stake here is the fundamental idea that a company that commits illegal actions should not benefit from those actions. The Proposed Final Judgment rewards Microsoft with the legal means to perpetuate its illegal monopoly. I am disturbed that the typical citizen will view the Proposed Final Judgment as evidence that big businesses can lobby our government into turning a blind eye towards illegal actions. (We've now seen the terrible consequences when a company abuses the public trust with the collapse of Enron.) The remedies in the Microsoft case must ''unfetter a market from anticompetitive conduct'' and ''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'' (Supreme Court Rulings quoted in section V.D of the Court of Appeals judgment). The Proposed Final Judgment fails to meet these criteria and should therefore be rejected.

Sincerely,
Song Tan
Dr. Song Tan
Assistant Professor in Biochemistry & Molecular Biology
Center for Gene Regulation
Dept of Biochemistry & Molecular Biology
108 Althouse Laboratory (office & lab in 3 Althouse Laboratory)
Penn State University
University Park, PA 16802
email: sxt30@psu.edu
phone: 814–865–3355
(These comments are my own and do not necessarily reflect those of my employer).
http://www.bmb.psu.edu/tan
fax: 814–863–7024

MTC–00027099

From: Brett R
To: Microsoft ATR
Date: 1/27/02 7:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a programmer who has been working in the computer industry for about five years now.

People mostly choose their operating system for what applications they can run. And so the obvious way of curtailing Microsoft's monopoly in the operating system market is to make them allow other operating systems to run necessary applications, or at least applications fully interoperable with the Windows versions.

I'm surprised and upset by the revised proposed final judgement's neglect of this obvious action. Everyone I've ever tried to introduce Linux to eventually came up with the question ''can I run Microsoft Word in Linux?''. When they found out they couldn't, they usually started to dismiss the idea. Microsoft's monopoly of the operating system will survive as long as does the exclusivity of their middleware.

We certainly can't expect Microsoft to release fully functional versions of all of their middleware for all of the various competing operating systems. But we can and should require them to release complete working APIs so that anyone who wants to can make compatible software that will run on other platforms.

Microsoft will howl that this will be very damaging to their business, but the court's responsibility is not to protect Microsoft. In fact, they're at the bottom of the list of those the court should protect— they've broken the law. The court's responsibility is to take action aimed at restoring competitive conditions to the operating system market. The RPFJ can't do this because it doesn't address the middleware problem.

In fact, the RPFJ exacerbates the problem because in those areas dealing with the release of APIs, Microsoft is given extensive discretion over to whom it must release them. Microsoft has to see the recipients as ''viable businesses'', which shoots down most Open Source projects because they're creating out of love for innovation and community and not out of commercial interests.

I have communicated only a small portion of my complaints about the RPFJ. Even in the limited scope of the suggested action against Microsoft, I see many loopholes that we can expect them to exploit (please see http://www.kegel.com/remedy/remedy2.html). I doubt the RPFJ will do anything to revive competitive conditions.

Brett Rasmussen

MTC–00027100

From: Gordon Snider
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

I don't agree with the settlement.

The Microsoft predominance must be broken. The company should pay a lot of money but not one byte of Windows software should be used as part of the settlement. Competing operating systems and programs only should be used.

MTC–00027101

From: mnjsonshadow@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:14pm
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,
Nathan Roads
P.O. Box 60693
San Diego, CA 92166

MTC–00027102

From: Mary French
To: Microsoft ATR
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft

I am writing to encourage you to accept the Microsoft antitrust settlement. This issue has been going on for too long and it's time for it to stop. I believe Microsoft has made many concessions and the settlement is fair to Microsoft's competitors.

I urge you to accept the settlement.

Regards,
Robert French

MTC–00027103

From: Corey Minyard
To: Microsoft ATR
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

I'm writing because of my concern about the current Microsoft settlement. I'm concerned that the settlement does nothing to solve the problem and actually makes the problem worse. It does nothing to solve the root of the problem, instead it gives minor financial penalties, vague requirements that Microsoft could use to their advantage, and actually gives Microsoft the capability to crush its strongest competitors. Microsofts current strongest competitor is open source, from software like Apache, Linux, and Samba. Microsoft has called Linux its ''#1 enemy''. Yet the Proposed Final Judgement (PFJ) ignores the very existance of open source software and gives Microsoft tools to effectively eliminate open source competitors by not allowing disclosure of APIs, protocols, and file format to open-source competitors. Any proposal that allows licensing fees or non-disclosure agreements for APIs, protocol, and file formats effectively kills open source.

APIs, protocols, and file formats are the roads of the software world. No one must pay anything to know how to build something that works on a road (the analogy is weak, but please bear with me). Much like roads tie places and transport into one unified system, APIs, protocols, and file formats should tie software, computers, and networks into a unified system. If one company owned the transportation infrastructure, it would by default have a huge competative advantage. It could do special things to the roads and offer its own brand of cars that worked much better than its competitors cars. It could deny access to competitors roads. Much like cable and phone companies, the government would be expected to manage such a company. But the government ''owns'' the roads, and it would really be unthinkable to place this critical infrastructure in the hands of a private company.

Yet the APIs, protocols, and file formats that the vast majority of computer users use is owned by one company and kept private. In my opinion, the greatest thing that would improve competition in the marketplace would be to require all Microsoft's APIs, protocols, and file formats to be made public. This would allow competing vendors to build compatible products that interworked well. Microsoft may complain that this is not fair, and perhaps it is not. But Microsoft has been found guilty in court, fairness is not required in the settlement.

Instead, we need a settlement that actually solves the problem. The settlement also does not address Microsoft Office, which has an even larger market share the Windows. The file formats of Office should be opened as well.

Any large business with a lot of smart people working for it will twist anything they can to their advantage. Any proposal from Microsoft must be looked at in that light. Do not allow Microsoft to be able to set any standards for who it allows access to anything. Allowing Microsoft to decide anything gives them a competative advantage. Make access to the information public, or at least let some independent third party decide.

I am not anti-Microsoft. I want them to continue to make products and compete. But I want others to be able to compete as well. Please make this possible.

Thank you for your consideration,
Corey Minyard
972–414–7855
minyard@acm.org
7406 Wheat Field Rd
Garland, TX 75044

MTC–00027104

From: Shon Burton
To: Microsoft ATR
Date: 1/27/02 7:19pm
Subject: Microsoft Settlement

A plea to the powers that be;

my name is Shon Burton. I am a co-signer on Dan Kegel's ''Open letter to the DOJ''; therefore I'll keep my own comments brief. I am a founder and principal of two technology companies, a software company and a service company. I also have over 10 years of in-depth experience with Microsoft products. I was formerly a Microsoft Certified Professional, and have been offered employment with Microsoft in the past.

I feel that the proposed settlement in the DOJ vs. Microsoft case is a gratuitous waste of time and taxpayer money. The settlement is insufficient and will not prevent the obvious and inexcusable anti-competitive behavior that Microsoft continues to blatantly display. Microsoft will stop at nothing. After the initial DOJ scrutiny regarding Internet Explorer, Microsoft made harmful design changes to nearly all of its products so that Internet Explorer would be required for those products to function. In doing so, Microsoft compromised the security and reliability of it's own core products (Windows, Office, Back Office) in an effort to force Internet Explorer onto every system.

This is not an isolated incident. It is happening continually with various other ''stowaway'' components that Microsoft pushes onto the unwitting user in the form of ''software dependencies'' often to the detriment of the core product itself.

Microsoft purposely works to sabotage 3rd party software inter-operability in an effort to force users of one Microsoft product or service into using additional Microsoft products and services.

Microsoft continues to work against established open standards (W3C, IEEE, IETF) in an effort to gain further dominance in the Internet and other emerging markets.

Microsoft's anti-competitive behavior stifles innovation and negates forward progress in the technology industry, and the world. Decisive action must be taken to stop it.

In closure, I would like to thank those who have taken the time to read this and all other public comments. I appreciate the effort that is being put forth to insure a just and proper resolution in this matter.

Sincerely,
Shon Burton
President
Dataverse Corporation

MTC–00027105

From: Mr. Tofslie
To: Microsoft ATR
Date: 1/27/02 7:21pm
Subject: Microsoft Settlement

Respectfully, I encourage you to rethink the proposed settlement with Microsoft. Without going into the fine details, it really DOES boil down to a free ''back door'' for Microsoft into the schools. Apple has had to work and spend legitimate dollars to build its market share in the education market. It is not a good plan. Please do not agree to it.

Thank you.
Sincerely,
Wayne Tofslie
Teacher
Heritage Christian School
Bozeman, Montana

MTC–00027106

From: Priest
To: Microsoft ATR
Date: 1/27/02 7:22pm
Subject: Microsoft Settlement

I really think that Microsoft is getting off waaay too easy. Big monopolies cannot be allowed to just bulldoze every other competitor, especially when their means of destroying everyone in their path has been shown to be.... well, ''less than ethical'' would be a polite way to put it. This settlement rewards greed, narrow-minded self interest, and unscrupulous behavior. We certainly don't need this in a world where ''might makes right'' is already too often the rule.

Sincerely,
Heather Priest

MTC–00027107

From: bill goins
To: Microsoft ATR,larry—craig@craig.senate.gov@inetgw
Date: 1/27/02 7:31pm
Subject: 11875 N Strahorn Road

11875 N Strahorn Road
Hayden, ID 83835
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following this Microsoft antitrust case and find it unsettling. I believe this suit is all based on jealousy on the part of its competitors.

Now we are in a recession. IT stocks are down, and the technology sector is down. Is it all worth it?

Microsoft obviously wants to resolve this dispute. They agreed to not retaliate against computer companies who ship software that

compete with anything in is operating system. They also agreed to make their internal operating system protocols available to their competitor's software within the Microsoft server. This seems more than fair to me.

This needs to end. The settlement can be the conclusion that this case so desperately needs. Thanks for your concern of this matter.

Sincerely,
William Goins
cc: Senator Larry Craig

MTC–00027108

From: Lawrence W Mahar
To: Microsoft ATR
Date: 1/27/02 7:22pm
Subject: Microsoft settlement offer

I agree with the Senior Coalition position shown below that the government should accept the Microsoft offer.—Larry Mahar, 945 Murray Road, Middle Grove, Ny 12850, phone & FAX 518–587–6781.

URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT. Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest. Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm

Raising your voice now on this issue really will have an impact.

Thank you for your time.
Mary M. Martin
Chairman and Executive Director
The Seniors Coalition

MTC–00027109

From: Sean Lutkenhouse
To: Microsoft ATR
Date: 1/27/02 7:26pm
Subject: Micrsoft Settlement

Dear Judge-

What Microsoft is attempting to do behind the backs of Americans, is an attrocious attempt at violating even more anti-trust laws. Has Microsoft ever played this game of capitalism/competition fairly? I doubt it.

This would not only be bad for the computer industry and all other computer companies (like Netscape) but would be terrible for our economy. This would create a rise in unemployment, which is the last thing that this country needs, right now especially, with almost no jobs available.

Do not let this pass; do not allow Microsoft to rule the world; do not eliminate competition. America needs you to stand up against this rising dictator, that is Microsoft.

Thanks.
Sean Lutkenhouse
907 W. 28th St.
Los Angeles, CA 90007

MTC–00027110

From: David Rosenthal
To: Microsoft ATR
Date: 1/27/02 7:27pm
Subject: Micrsoft Settlement

I object to the proposed settlement.

I am an engineer with more than 25 years experience of the software business. I have worked in companies that cooperate with Microsoft, companies that compete with Microsoft, and companies that do both. I am currently employed by Sun Microsystems. My objections are my own and would not necessarily be shared by Sun's management.

My objection to the proposed settlement is as a consumer over many years of Microsoft's products. Microsoft has been determined to have harmed the consumer in that it maintained a monopoly through various illegal tactics, principally by tying other products to its monopoly operating system. The proposed settlement does nothing to remedy the harm which I and other consumers suffered in the past, nor to prevent Microsoft inflicting similar harm in the future.

A key enabler of Microsoft's tying of additional products to the operating system is the ability, through the terms of the End Use License Agreement (EULA), to disclaim all liability for the correct and safe functioning of the individual products and the bundle resulting from the tying. Microsoft's monopoly not merely deprives customers of choice in operating systems, it also deprives them of remedy when the product they are forced to choose fails to perform as they might reasonably expect it to, let alone as Microsoft claims it will.

The harm done to consumers through the security flaws in Microsoft's products is the stuff of legend. The estimates of the cost of even a single security flaw that allows a virus to propogate range into the billions.

I urge that any settlement of this case include a remedy that reduces this enormous cost foisted onto consumers. Micosoft should be prevented from disclaiming liability for the performance of any product for which they have a monopoly, or which is tied to a product for which they have a monopoly. For any product that is available to consumers of Microsoft and non-Microsoft products on the same terms, Microsoft should continue to be able to disclaim product liability, as their competitors do. Consumers of these products have a choice of operating systems and, if Microsoft's fail to work as expected, can switch.

For any product that is an operating system, or which is bundled with an operating system, or which is available only on Microsoft's operating systems, or which is available on more favorable terms on Microsoft's operating systems, the customer has no choice or faces exhorbitant switching costs. In these cases, where Microsoft is exploiting a monopoly that it has sustained using illegal tactics, the consumer should be given an effective remedy if the product fails.

The essential effect of this condition would be to raise the cost to Microsoft of exploiting its illegally maintained monopoly by tying additional functions to its operating system. At present, the cost of doing is negligible. With this condition, the additional cost of bundling a new function into the system over distributing it on the same terms on all platforms would be very significant—if it was bundled Microsoft would have to stand behind it.

Microsoft will, no doubt, argue that if they were unable to disclaim liability for the performance of their operating system they would have to raise prices to cover the cost of the liability. But note that this would not increase the cost to consumers. They already bear the cost of the liability—Microsoft's EULA transfers it to them. They would pay more for the operating system and less to cover its failure to operate as they have a right to expect.

It would be hard for the government to argue that it was in consumer's interests to prevent them from seeking a remedy when Microsoft's products failed them.

Consumers have suffered for many years as Microsoft's products have failed to live up to their advertised reliability and security. They have had no choice but to continue buying and using them, as Microsoft used illegal tactics to maintain its monopoly. They have

had no remedy under the EULA. Please take this opportunity to provide consumers with a real remedy.

David Rosenthal
427 Alma St. #407
Palo Alto CA94301

MTC–00027112

From: zyxar zyxar
To: Microsoft ATR
Date: 1/27/02 7:40pm
Subject: Microsoft Settlement

To Whom It Concerns:

As a participant in the development, test, and support of computing systems, including hardware and software, since 1984 I have a vested interest in the remedies that might be imposed on what has now become a long pattern of anti-competitive behavior from Microsoft. My observations of Microsoft began in 1993 when I was an IBM employee working in the AS/400 software competitive analysis group. As part of my training I sat through an hour-long session in 1994 with one of IBM's corporate attorneys who went over guidelines and rules of conduct that IBM employees should adhere to when dealing with customers, suppliers, Value Added Resellers, and competitors. Near the end of this presentation I asked the attorney how IBM was supposed to compete with Microsoft when Microsoft regularly practiced much of what she had identified as inappropriate behavior? She mumbled something about IBM taking a more conservative approach to law than many other companies but never did answer the question. That was eight years ago.

There are two areas addressed by the Revised Proposed Final Judgment that I think are important to consider: the Original Equipment Manufacturer (OEM) market for the distribution of personal computing (PC) hardware and the Independent Software Vendor (ISV) market. I think the proposed remedy goes a long way toward adequately addressing the OEM market for the distribution of PC hardware although my experience and expertise in this area is somewhat limited. Through Microsoft's contractual manipulations the OEM market became a highly effective and exclusive distribution channel for Microsoft operating systems, applications and middleware technology and clearly this needs to be remedied. I do not believe the proposed remedy adequately addresses the unfair advantages Microsoft has in the development of application software through control of the Application Programming Interfaces (API) of their operating system and middleware products.

I believe we can establish fairness in the software market for Windows applications only by forcing a separation between Microsoft's operating system (OS) group and their applications group. Their OS group should in effect be separated as an independent company from their applications group. The flow of information from the OS group to any application organization be it Microsoft or a third party development organization should be only through publicly published documentation. Certainly any application development group should be able to voice its opinions, plans, and concerns directly to Microsoft but any technical discussions regarding the proposed plans, release dates, APIs, or other pertinent data related to operating system plans should only be available to all vendors at the same time through public documentation.

Contrary to what many Microsoft employees believe, this will not lead to the downfall of Microsoft and the collapse of the US technology economy. Microsoft is a strong company with an unparalleled pool of technical skills and will continue to thrive even if they are made to compete fairly.

I offer my reasons for this belief in the supporting arguments that follow.

In the early years of the PC industry Microsoft and other vendors who were supplying operating system software were focused on operating system revenue. There was no application market because there were few applications. Many small innovative companies recognized the possibilities afforded by cheap personal computing hardware and things we take for granted today like spread sheets and word processors were invented, developed and successfully marketed by companies other than Microsoft. Almost all of the innovative companies who invented and successfully commercialized applications 10 years ago have market shares subordinate to Microsoft in the very application categories they developed. Additionally the fact that these companies chose to develop applications for Windows helped create the popularity and standardization on Windows that would lead to Microsoft's monopoly position.

Eventually the market for applications became greater than the operating system market. Unfortunately when Microsoft moved into the application market they began to tilt the deck in their favor by building stuff into their operating systems that would benefit their applications without making all of this information available to third party development organizations. (I knew IBM developers who voiced their opinion that Microsoft was not being very timely in the dissemination of information that they needed to finish their development work.) Microsoft could write applications that utilized OS functions and APIs that other vendors might not even know existed until Microsoft's application products were released and in the market.

As an example of one such advantage it has been known in the past that Microsoft has utilized what are termed ?undocumented functions? in their operating systems. An undocumented function puts a third party application developer in a tough situation if he or she has knowledge of such a function. Does a developer use the undocumented function, which clearly allows the development of a better application, and risk having to rewrite that application later if Microsoft removes the function in a new release? Or does the developer forego use of the undocumented function compromising the application in exchange for avoiding a potentially messy application rewrite or a bunch of unhappy customers?

In this kind of environment Microsoft will always have an advantage for planning future application products. Knowing that the OS group is going to provide function X or API set Y or new technology Z in the future they can begin implementing application C based on this knowledge well in advance of the actual implementation or release of that function in effect giving them a head start for their application development teams over the rest of the industry. And at their whim they can drop support of these technologies later on if it suits them effectively stranding an ISV in a technical ?no mans land? forcing them to re-architect their application because a function they expected to use is no longer being offered by Microsoft.

In it's defense against allegations from Netscape, Microsoft has argued that Internet Explorer is an integrated part of the operating system. No one with even a rudimentary understanding of computer science believes that a browser is an OS service function. However, the fact that Microsoft would argue this makes my arguments above even more salient. Microsoft thinks they are justified in arbitrarily subsuming an application by claiming it is part of the operating system. So some vendor like Netscape (or Stac Electronics, or Norton Utilities) gets a great idea, puts a lot of capital at risk to develop and market that idea and then sees a competing product distributed through the exclusive windows operating system distribution channel and given away for free. Microsoft chose to choke off Netscape not because they wanted to make money In the browser market but because they feared that browsers could become a new market for software sold on personal computers. And if another company could control the standards, APIs and middleware for which PC software was written it would seriously jeopardize Microsoft's control of software development and that control translates into revenue and profitability. Better to lose a little money now than risk losing control of the whole software franchise. With the shadow of this specter hanging over the market for PC applications how is our capitalist free enterprise system supposed to work? I would argue that for quite a while now Microsoft shareholders have reaped the rewards for the innovation of and risks taken by companies other than Microsoft.

In my work I extensively use Internet Explorer (IE) and Netscape Navigator (NN) to test my applications. Although the difference between the two products is very small and certainly not enough to justify the almost complete dominance that IE enjoys over NS despite the early dominance NS had over IE, I believe IE is a better browser than NS. Could IE have an advantage by virtue of the fact that it is so tightly integrated into Microsoft's OS code? Can Netscape ever build a browser that loads as quickly or performs as well as IE without the benefit of being as tightly integrated into the OS? I don't think so. And even more important than the fact that IE has an advantage by being more tightly integrated into Windows is the fact that it is pre-installed on every Windows PC.

Having any middleware preloaded on every Windows PC shipped confers a huge advantage in follow on revenue associated with the standards that can be established and the code that will then be implemented around those standards. If Microsoft controls

those standards they can effectively manipulate the technology and APIs to their advantage.

In 1984 I as an engineer for IBM had to help publish a set of specifications relative to the external behavior of the Diskette Storage subsystem I helped develop so any third party vendor could learn enough about the IBM equipment to service it and effectively compete with IBM for lucrative service revenue. It seems that someone believed it was important to provide a more level playing ground in the market for hardware service. Today some 16 years later the market has moved from hardware, which in most cases is a commodity, to software. But the same rules that did and still do apply to IBM hardware should also apply to Microsoft operating system software.

Sincerely,
William A. Shaver
Netelligent Consulting,
Somerville, MA 02144

MTC–00027113

From: Kenneth J Hendrickson
To: Microsoft ATR
Date: 1/27/02 7:39pm
Subject: Microsoft Settlement
Date: 27 January 2002
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:
Kenneth J. Hendrickson
2747 W. Anklam Rd., Apt E.
Tucson, AZ 85745–3705

Dear Renata,

Executive Summary:

I strongly urge the Department of Justice (Doj) and the Court to modify the Proposed Final Judgment (PFJ) in order to achieve an effective remedy against a continuing Microsoft monopoly, and the harm to consumers that will inevitably continue to result.

The modifications I recommend are:

1 Microsoft must be required to publish COMPLETE and ACCURATE documentation for all Application Programming Interfaces (APIs), protocols, and file formats, for *ALL* Microsoft products. This should include a requirement to publish full and complete source code. However, as the source is likely to be very difficult to understand, Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available AT NO CHARGE to anybody who wants it, via an Internet download. In addition, Microsoft must NOT be allowed to require a Non-Disclosure Agreement (NDA) in order to obtain this important information.

2 Security considerations must NOT be an excuse for continuing the harmful practice of closed, hidden, and/or undocumented APIs, protocols, and file formats. All algorithms, APIs, protocols, and file formats, must be COMPLETELY and ACCURATELY documented, *ESPECIALLY* when those algorithms, APIs, protocols, and file formats are needed for security and authentication. Sections III.J1 and III.J2 should be entirely stricken from the PFJ.

3 Microsoft must not be allowed to use its patents offensively. A patent is a government granted monopoly. As Microsoft already has a monopoly (even without government granted patents), and has been convicted of illegally ABUSING that monopoly, the government should not be in the business of granting Microsoft more monopoly power with which to abuse its competitors. The PFJ should be amended to forbid Microsoft from using its patents offensively.

Before preparing my comments, I read the following documents in their entirety:

1 Original Complaint http://www.USDoJ.gov/atr/cases/f1700/1763.htm

2 Findings of Fact http://www.USDoJ.gov/atr/cases/f3800/msjudgex.htm

3 Stipulation and Revised Proposed Final Judgment

http://www.USDoJ.gov/atr/cases/f9400/9495.htm

State's Proposed Final Judgment

http://www.NAAG.org/features/microsoft/ms-remedy—filing.pdf

Competitive Impact Statement

http://www.USDoJ.gov/atr/cases/f9500/9549.htm

Justification for my Recommended Modifications:

Full Disclosure of Algorithms, APIs, Protocols, and File Formats:

I was very heartened to note that the PFJ would require that Microsoft must publish details of its APIs (section III.D. and others). However, as published, this provision will be largely ineffective, because it does not include Free Software and Open Software development efforts.

Microsoft's own lawyers indicated in 1999 that Microsoft views Linux and the GNU GPL license as its greatest threat. http://www.OReillyNet.com/pub/a/mediakit/linux.html

Microsoft produced a white paper on the GNU GPL license, in an effort to dissuade companies from trying and/or using Linux. http://www.Microsoft.com/business/downloads/licensing/Gpl—faq.doc

Although Linux and the Free Software movement are not yet a true competitor to Microsoft (as stated in the Findings of Fact), Linux offers the best hope for a future competitor to Microsoft. In light of this, the Doj and the Court should tailor the PFJ such that it does not lock out Free Software and Open Software developers from the fruits of the PFJ.

Free Software and Open Software developers must be granted access to COMPLETE and ACCURATE documentation on *ALL* algorithms, APIs, protocols, and file formats for *ALL* Microsoft products, without any cost, and without any non-disclosure agreement (NDA) requirements.

The most complete and accurate documentation is the actual source code, and so that should be made available. The source code, however, is not enough. It is likely that the source code will be very difficult to understand; therefore Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available at no charge to anybody who wants it, via an Internet download, without any requirement for an NDA.

Without this extremely important provision, the most important potential competitor to Microsoft's monopoly will not be able to compete. In addition, without this important provision, Microsoft will be able to *CONTINUE* using closed and secret APIs, Protocols, and File Formats to extend, enhance, and broaden their existing monopoly. It is absolutely necessary that the PFJ be amended to require that Microsoft COMPLETELY and ACCURATELY document *ALL* of their algorithms, APIs, protocols, and file formats, and provide this information at no charge and without NDA requirements to everybody, via a free Internet download.

Security:

The security technique espoused in the PFJ is ''security through obscurity''. The idea is that if nobody knows how authentication or encryption is accomplished, they will not be able to bypass the authentication routines or break the encryption. There is a significant problem with this idea (and thus with the PFJ): IT IS FALSE! It is widely known and accepted within the security community that ''security through obscurity'' is no security at all.

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL. The following papers detail why ''security through obscurity'' is no security at all:

http://Slashdot.org/features/980720/0819202.shtml

http://www.VnuNet.com/Analysis/1126488

http://www.WideOpen.com/print/101.html

http://www.NightfallSecurity.com/whitepapers/obscurityeu.html

http://www.Albion.com/security/intro-8.html

http://www.eCommerceTimes.com/perl/printer/11060/

http://Adjacency.org/essays/securitythroughobscurity.html

http://www.Treachery.net/-jdyson/toorcon2001/

Many more examples exist; they can be found with a Google search.

http://www.Google.com/search?hl=en&q=%22security+through+obscurity%22&btnG=Google+Search

This is perhaps the most important comment I am making, so I will repeat this important point:

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL.

Bruce Schneier and Adam Shostack, two of the world's foremost experts in the area of computer and network security, have given a list of recommendations for Microsoft to follow in order to achieve more secure products, after the recent announcement by Bill Gates that Microsoft will henceforth be concentrating on security.

http://www.SecurityFocus.com/news/315

IT WILL BE NOTED THAT NOWHERE IN THIS LIST OF RECOMMENDATIONS IS

THERE ANY NOTION THAT ANYTHING SHOULD BE KEPT SECRET. Instead, the recommendations from Messrs Schneier and Shostack encourage complete openness, full and accurate documentation, and a waiting period before Microsoft's proposed protocols and encryption methods are implemented. This is in order that the security community may examine Microsoft's proposed protocols and encryption methods and algorithms in order to find weaknesses, and repair those weaknesses, *before* they are implemented and insecure systems are built and fielded. Messrs Schneier and Shostack also encourage Microsoft to publish its entire source code, even though they have no hope that Microsoft will do this. The source code should be published so that the security community can examine Microsoft's *implementations* for flaws and weaknesses, and suggest remedies for those flaws and weaknesses. The most well designed security protocols and encryption algorithms can be made worthless by poor implementation. The only way to check the implementation is to have access to the source code.

It is in the best interests of all those who must use Microsoft products, and all those who use computers on networks that include Microsoft products (which includes the entire Internet), that Messrs Schneier's and Shostack's recommendations are adopted by Microsoft. Paradoxically, it is also in Microsoft's best interests to adopt *ALL* of Messrs Schneier's and Shostack's recommendations!!

If Microsoft is forced to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, bugs will be found in Microsoft's code and fixes will be suggested, just as they are for other open source OSes such as Linux, FreeBSD, NetBSD, and OpenBSD. Microsoft's products will improve as a result of this process. Microsoft will receive the benefit that all Open Source software receives: bug fixes, increased security, and increased stability, all at no cost to Microsoft.

Microsoft will be opposed to this requirement, arguing that their business will be destroyed by forcing their code open.

This is not true! COPYRIGHT LAW AND CONTRACT LAW PROVIDE ALL THE LEGAL PROTECTION THAT MICROSOFT REQUIRES TO MAINTAIN THE VALUE IN THEIR SOURCE CODE. In the end, however, it does not matter if Microsoft benefits from the PFJ. What does matter is that Microsoft's monopoly abusing powers are restricted, and that the Doj and the Court create the possibility for competitors to Microsoft to arise in the marketplace. Microsoft has been found guilty of abusing their monopoly. One of the ways that Microsoft has abused their monopoly is by using closed and proprietary algorithms, APIs, protocols, and file formats, and by changing them from time to time in order to create incompatibilities with non-Microsoft products, and with older Microsoft products that Microsoft wishes to make obsolete. Microsoft's *secret* algorithms, APIs, protocols, and file formats are part of the problem that the Doj and the Court must remedy. Such secrecy cannot be part of the solution, even when it comes to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''. Furthermore, in light of the fact that SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL, there is never any justification for any ''governmental agency of competent jurisdiction'' to ''direct Microsoft not to'' COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge. Therefore, section III.J1 and III.J2 must be entirely stricken from the PFJ.

As it is necessary to require Microsoft to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, it is not reasonable to require ''any of the Plaintiffs to keep secret any information or documents obtained from Microsoft'' as detailed in section IV.A.3 of the PFJ. This section should also be stricken from the PFJ.

Patents

Patents are a government granted monopoly. Microsoft has been judged to have a monopoly, and further, to have illegally abused that monopoly. For this reason, Microsoft should be forbidden from using its patents offensively. The government should not continue to grant a preferential monopoly to a convicted monopoly abuser.

This is especially true in the case of Open Software and Free Software. Those who develop Free and Open Software and give it away to the world for no charge are greatly enhancing the wealth of the entire world. These people CANNOT afford to participate in the patent system. In addition, those who develop Free and Open Software are often philosophically opposed to the patent system, and would not participate even if they could. These people who are greatly increasing the world's wealth, should not have the patent system used against them by a convicted monopoly abuser.

Microsoft has already threatened to use patents as an offensive weapon against Linux, the Free Software Foundation, the GNU Project, and other Free and Open Software producers. Full details can be found in the 2nd Halloween document. http://www.OpenSource.org/halloween/

In order to protect the Free and Open Software movement from future monopoly abuse, Microsoft must be forbidden from using their patent portfolio offensively. This prohibition should *never* expire. A clause to this effect must be added to the PFJ in order to achieve an effective remedy.

Enforcement

A *very* strong enforcement mechanism needs to be put in place by the Doj and by the Court. We have arrived at this juncture today because Microsoft failed to abide by previous consent decrees (1994) of the Court. Microsoft has proven themselves to be obstinate and belligerent. They cannot be trusted to obey this PFJ without strong and effective oversight.

If by some unfortunate circumstance, the Doj and the Court decide not to require Microsoft to disclose all source code, then an especially vigorous enforcement mechanism must be put in place to ensure COMPLETE and ACCURATE documentation of *ALL* algorithms, APIs, protocols, and file formats. I would suggest that the PFJ should include a clause stipulating that if anybody finds any errors or discrepancies in Microsoft's documentation, then at that point the Technical Enforcement Committee shall have the authority to immediately force the disclosure of all relevant source code, in order to force compliance with the COMPLETE and ACCURATE documentation requirement.

Dan Kegel's Comments

I would like to add that I am a co-signer to Dan Kegel's comments. http://www.Kegel.com/remedy/letter.html

I fully agree with Mr. Kegel's entire letter, including all links therein, and strongly urge that each of the problems noted therein must be remedied in the PFJ before the PFJ is adopted by the Doj and by the Court.

Thank you,

Kenneth J. Hendrickson

* All web references were current on 26–27 January 2002, during the writing of these comments.

MTC–00027114

From: Robert Langer
To: Microsoft ATR
Date: 1/27/02 7:55pm
Subject: Micrsoft Settlement

I am very disappointed with the settlement between Microsoft and the Department of Justice. After finding Microsoft guilty of illegal Monopolistic behavior I find the proposed settlement doesn't penalize Microsoft or deter Microsoft from additional Illegal behavior. It allows Microaft to keep all profits from Illegal behavior.

I totally disagree with the proposed settlement.

Robert Langer
2904 Shoto Road
Two Rivers, WI 54241
rlanger@charter.net

MTC–00027115

From: AC5ZJ@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:44pm
Subject: Microsoft settlement

I DO NOT believe the Microsoft settlement was fair. Microsoft was and still is guilty of unfair practices regardless of who they do business with. Products sold to the public are intentionally faulty and the ''fix'' is always sold as an ''upgrade.'' I believe that Microsoft should have been completely shut down, divided into a million pieces and David Gates sent to jail for the rest of his natural life.

Thanks for the opportunity to vent. I know it won't do any good. The bad guys all win these days and I am sure will continue to win until the U.S. is just another totally corrupt country.

Jerry L. Wilson

MTC–00027116

From: JForsterMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Subject: ''Microsoft Settlement''

I am a surgeon, working at the University of Kansas Medical Center and I am convinced that Microsoft is anti-competitive and seeks to stifle innovations in personal computing. In particular, Microsoft, but its bundling of software, has caused the elimination of competiting software programs in the realms of web browsing, slide presentation, word processing, spreadsheet, and operating systems. Due to Microsoft's tactics, the cost of computing is higher and the innovation is lower, and we, as consumers, are faced with uninviting options. I do not feel that Microsoft is any different than any of the previous monopolies that have been forced to divide, such as Standard Oil or ATT.

Thank you for your time,
Jameson Forster, MD

MTC–00027117

From: LKBaker1320@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Microsoft lawsuit

I believe that more than enough taxpayer money has been spent on the Microsoft lawsuit. Please settle this matter as soon as possible.

Thank you.
Linda Baker

MTC–00027118

From: milton t curry
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Micrsoft Settlement

As an 89-year-old senior citizen, I have found Microsoft's software to be generally user-friendly and helpful in my personal activities. It has disappointed me that Microsoft's competitors have attempted to stifle Microsoft's innovative efforts to improve their materials, thus putting a damper on their efforts to simplify and improve their offerings to the public. I hope that those in power will bring this dispute to a settlement in the near future. (At least while I can enjoy it!).

Thanking all concerned, I am:
Milton T. Curry,
725 Gulf Coast Blvd., Venice, FL, 34292.
Ph.: (941) 488–0195

MTC–00027120

From: huckleberrycove@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:49pm
Subject: Microsoft settlement

This is a unique situation where a company has grown large because it offers a worthwhile service. No one has to buy the service. Those of us that do have gotten our moneys worth. We like what Microsoft does and is doing.

This is a clear case of where the least government is the best government. If Microsoft was aggressively taking something of value from someone who did not want to give it up, then it would be a government matter.

Such is not the case. The government should apologize to the Microsoft Company and get on with reducing government influence in all of our lives.

Thank you,
Peggy and Ken Maultsby

MTC–00027121

From: Alexander Krumbach
To: Microsoft ATR
Date: 1/27/02 7:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that,while covering many vital aspects of the case, the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar Sherman violations in the future.

In the past, the people most hurt by Microsoft were not the hardware distributors or the existing middleware vendors, but the developers of new applications. With each new version of Windows, it has become increasingly impossible for any vendor outside of Microsoft to introduce a new feature— such as Plug and Play or USB support—to the market without Microsoft's collaboration. The potential new technologies that have been stifled by Microsoft's vice-like grip on innovation has done the market far more damage than could ever be measured in a dollar amount.

To this end, there is only one possible remedy.

Microsoft, as a software vendor, lives on its'' intellectual property. That property does not only include the copyrights it holds on the source code to Windows and the other softwares it sells, but also the patents and trade secrets that Microsoft has, over the years, added to its'' code to hinder competition. The copyright and or patent of code, while in some circles of dubious quality, is never categorized in the same manner as trade secrets. The computing sector has an interdependence of intellectual works never before seen in any industry, and the use of trade secrets is the greatest possible artificial barrier Microsoft has erected in its'' illegal actions.

Furthermore, this action is in direct opposition of the actions of other software vendors. There are several standards bodies in the computing world, including the International Standards Organization [iso.org] who define standards in many fields, the Institute of Electronic and Electrical Engineers [ieee.org] who help define standards in hardware peripheral design, and the World Wide Web Consortium [w3c.org] devoted solely to Internet standards. The standards are open for public inspection and independent review, and encourage further development in the fields they cover.

I would suggest a single remedy appropriate to this problem: Microsoft must be forbidden to declare any portion of their product a trade secret, and as a result make available to public examination and independent re-implementation (for interoperability, educational and testing purposes only) technical specifications for all of their system APIs, file formats, media codecs, and any other method of system interaction not covered by a patent. The information could be, at little cost, be added to Microsoft's Developer Network, found at msdn.microsoft.com.

The benefits of this action far outweigh the apparent dangers. First, this action is not as invasive as it may seem, still allowing Microsoft to protect its'' current patents or copyrights, and no limit is levied against Microsoft for patenting further technologies. Second, this action does not greatly affect Microsoft's competition: most or all of the information to be disclosed has either been disclosed on the Microsoft Developer's Network or has been repeatedly legally reverse-engineered. Third, this completely removes the artificial barrier raised against the developers of new technologies.

While it may be noted that Microsoft is a member of many standards bodies, too numerous to mention in a short letter, as a developer in the computing industry I have noted a distinct trend on the part of Microsoft to abandon widely-held standards in favor of their own protocols and methods, often of similar or identical name to the official standard, and generally a trade secret. While I shall withhold judgment of such actions, it must be noted that they lead to an inevitable destruction of competition. The current settlement does not cover such actions; I therefore submit my solution to be considered as a part of additional action to prevent this violation of anti-trust law from being repeated.

I believe this action is the best possible remedy applicable to Microsoft. As shown by the antitrust trial, Microsoft has historically used the trade secrets cocooned into the products it sells to stifle competition and hamper entrance of new technologies into the market. The most direct and least intrusive method to end such practices would, of course, to remove the possibility of the same circumstances arising again. To this end, I suggest that measures be added to the settlement that would forbid further development of technologies within Microsoft to be declared a trade secret, for they are clearly only used in a violation of the law.

MTC–00027122

From: Will Nielsen
To: Microsoft ATR
Date: 1/27/02 7:51pm
Subject: ''Microsoft

I think the proposed settlement is a bad idea.

MTC–00027123

From: George S Halfin
To: Microsoft ATR
Date: 1/27/02 7:52pm
Subject: Microsoft settlement

I say leave Microsoft alone. They are one company in this USA that is helping to keep this country ahead of foreign innovations.

MTC–00027124

From: Stuart Sherwood
To: Microsoft ATR
Date: 1/27/02 7:53pm
Subject: Microsoft Settlement

To the District Court Judge

America is great because it's foundations provide us freedom. Freedom from the initiation of force.

Freedom for the best within us to achieve the happiness we all deserve. Continue this tradition, allow Microsoft to produce without the shackles of force and to achieve their happiness, for their achievements benefit us all.

Stuart Sherwood

MTC–00027125

From: Katrina Illari
To: Microsoft ATR
Date: 1/27/02 7:56pm
Subject: Microsoft Settlement

Dear Renata Hesse:

I already commented on the Microsoft settlement. However I did not use the correct subject line. That is, I used a subject line that seemed logical to me, not the one posted on:

http://www.usdoj.gov/atr/cases/ms-settle.htm#submit

Because I want to ensure that my comments will be heard, I am including below an exact copy of the email that I sent earlier except this time I am using the assigned subject. I am sorry for the duplicate email and hope that I did not cause you any trouble because of it. I sent my earlier email on: Sat, 26 Jan 2002 16:55:15 -0800 (PST) from this email address.

Katrina Illari

Dear Renata Hesse:

I am a concerned computer programmer and user. I use Microsoft Windows as well as Linux at home. For the past few years I have been disgusted to see the increasing number of anticompetitive actions that Microsoft has been able to get away with. The court case seemed to provide a possibility for restoring a competitive market in the computer software business. Microsoft was convicted with anticompetitive behavior. However, the settlement that was agreed upon does not seem to be in the best interests of the consumers.

Some points of concern are:

(1) the punishment if further anticompetitive actions are taken by Microsoft. That is that 2 years will be added to the period that they are to be closely watched. I did not see any actual enforcement of the restrictions placed on Microsoft. Just that a board of people would be assigned to watch if they break any of the restrictions and if so, then they will be restricted for another 2 years. Does this provide an automatic solution to any court case filed against Microsoft in the next 5 years? That is will the solution will be that the restrictions will just be extended for another 2 years? This almost seems to be in Microsoft's favor... No enforcement and if they break the rules then the rules will be imposed (with out enforcement) for another two years.

(2) The security exemption: Will this provide a hole for Microsoft? For example, will Microsoft just add access control to many of its API and then not publish them, using the security exemption as cover?

(3) Will Microsoft simply patent a lot of its interfaces/protocols and then charge companies licensing fees in order to get the information about the API/protocol. I do not see anything in this settlement that would stop them from doing so. As evidence, they already patented the next version of the SMB protocol. This is a protocol which allows you to share drives/files between computers. SAMBA, a popular file server software uses this protocol to share drives between Unix and Windows machines. Once Windows only supports the new protocol, it will once again be impossible to share drives between Windows and Unix systems. As I see it this is simply an extension to the older protocol not something that it would be strategic to have a patent on except if one wanted to eliminate the ability for a Unix machine to share drives with a Windows machine. Surely this is an anticompetitive action against SAMBA.

(4) The fact that Microsoft is allowed to include non operating system applications as part of the operating system is not beneficial to consumers. This gives an advantage to Microsoft in marketing of the applications that they include in the operating system. They have a strangle hold on the browser market because of this and in Windows XP, they are trying this with multimedia applications.

Katrina Illari
521 Del Medio Ave #201
Mountain View, CA 94040

MTC–00027126

From: Richard Price
To: Microsoft ATR
Date: 1/27/02 7:55pm
Subject: Microsoft Settlement

I am addressing this letter to those representing the public interest, pursuant to the Tunney Act's provision that members of the public may comment on the proposed antitrust settlement, particularly with regard to whether the settlement serves the public interest.

Having read the proposed settlement and the associated documentation, I believe that this settlement is both entirely inadequate to address the crimes committed by Microsoft, and contrary to the public interest. The original complaint claims that its intent is to ''restrain anticompetitive conduct by defendant Microsoft Corporation'' and ''to remedy the effects of its past unlawful conduct.'' The proposed final judgement does neither.

The effects of Microsoft's past unlawful conduct have been to establish an almost unassailable barrier to market entry, and to provide Microsoft with an immense financial windfall by permitting the company to overcharge consumers for its products. While the proposed final judgement does reduce Microsoft's capability for retaliation against competitors, it does little to ensure that Microsoft will not continue to raise barriers against developers of other operating systems that attempt to enable their products to run programs written for Windows; it does little to ensure that innovative companies will be able to reap the fruits of their efforts in the marketplace; and it does not return to the public the billions of dollars in excess revenues extracted from consumers through inflated prices and bundling of unwanted software with other products.

As noted in the original complaint, Microsoft attempts to maintain its monopoly in operating systems and achieve dominance in other markets through use of tie-ins and other anticompetitive agreements that deter innovation, exclude competition, and rob customers of their right to choose among competing alternatives. The effect of the proposed settlement is to legitimize and perpetuate Microsoft's monopoly by permitting Microsoft to continue the same anticompetitive behavior that it used to establish that monopoly in the first place. This monopoly has actually created a situation that is dangerous to the public, as Microsoft's products are both insecure to the point of creating a serious risk to consumer privacy, and so error-ridden as to cause billions of dollars of economic losses to individuals and businesses annually due to lost and damaged data caused by Microsoft programs crashing.

There are many features of the proposed settlement that lead to the conclusion that Microsoft will benefit from the settlement at the expense of the public.

First, Microsoft is not prohibited from intentionally introducing incompatibilities with competing software, as it has done for anticompetitive purposes in the past, most notably in the development stages of Windows 3.1.

In addition, open-source or freely-available software (''freeware'') has become a major source of competition in the marketplace. The proposed settlement does not encourage this competition. Microsoft would be permitted to discriminate against these developers by distributing new products and operating system components with restrictions against using them in open-source or freely-available software.

Also, Microsoft produces and distributes for free a number of products that are not part of the Windows operating system, but are restricted in their use to Microsoft operating systems only by licensing terms. This is not justifiable by any technical argument, and serves only to raise a barrier to competitors.

Another way that Microsoft restricts development of competition is through its development tools that are widely used to develop software. Partly because Microsoft has inside knowledge of the operating system, these tools are among the best available for development. The licenses for these tools include restrictions on using the products developed using the tools on operating systems other than those produced by Microsoft. This restriction is clearly anticompetitive, and is not justifiable by any technical argument.

Finally, the provisions for enforcement and oversight of the final judgement are inadequate. Under the terms as described, Microsoft can evade the intent of the final judgement through abuse of technicalities and loopholes that are not adequately addressed. As an example, the narrowness of the definition of ''Microsoft middleware'' would permit Microsoft to avoid revealing important programming interfaces, thus hampering efforts by competitors. Important elements of the operating system and applications (file formats, programming techniques) would remain proprietary, either because their documentation would not be required or because Microsoft holds patents on them, and would not be required to license them.

In order to remedy these fatal weaknesses in the proposed settlement, a number of actions are required. First, Microsoft's products must be sold as 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 computer sellers must offer the software without the computer, in order to prevent the current situation in which sellers claim that the price differential is only a few dollars although the cost of the same software from other sources is very high.

Second, Microsoft should be required to expose all programming interfaces with its software—not only Windows itself, but the numerous products that Microsoft has brought to market dominance by exploiting its illegally maintained monopoly. In addition, all the formats of files used by Microsoft's products should be made publicly and freely available. All information presented by Microsoft under the settlement should be available not only to for-profit companies, but also to open source software initiatives, with no discriminatory licensing requirements.

Third, Microsoft should be prohibited from introducing changes to its software for the sole purpose of inhibiting its competitors, without any technical justification, as determined by independent analysts appointed by the court.

Fourth, if Microsoft makes software freely available, that software should be available to the public as a whole, and not only users of other Microsoft products.

Fifth, Microsoft should not be permitted to place restrictions on the use of its development software that could serve as barriers to competition.

Sixth, Microsoft should be required to return to the public the billions of dollars in revenues that it has acquired due to its illegally maintained monopoly, and to perform this restitution in a fashion that does not reinforce or extend that monopoly.

As a user of an alternative operating system known as OS/2, I am well aware of the damage done to the public interest by Microsoft's abuse of its market power. For over a decade, OS/2 has possessed features that Microsoft has only begun to include in its operating systems in the past few years. In spite of OS/2's clear superiority, Microsoft's anticompetitive behavior effectively shut OS/2 out of the market. Because of this, developers have spent very little effort in developing applications for this platform. My costs for software and training for OS/2 have unquestionably been higher than they would have been if Microsoft had not used illegal and anticompetitive methods to prevent the widespread adoption of this operating system, and the software that is available to me now is of lower quality than would otherwise be the case. The proposed settlement does nothing to help me recover my investment in this competitive software, or to restore a competitive enviroment in which 0S/2 development would be revived. Millions of other purchasers of 0S/2 and other competing products are in the same situation. As another example, my fiancee uses project management software called Ecco. This software received awards for several years in a row for being the best of its kind. Within a year after Microsoft began bundling its project management software (Microsoft Project) with Windows, the company that owned Ecco ceased development because it could no longer make a profit. The users of this software have also been harmed by Microsoft's illegal practices, and the proposed settlement does nothing to make them whole.

In light of the egregious weaknesses and loopholes in the proposed settlement agreement, and the fact that the proposed agreement therefore cannot be considered to be within the reaches of the public interest, it is my hope that the settlement will be rejected, and a new settlement constructed that eliminates these problems, restores competition to the marketplace, and returns Microsoft's ill-gotten gains to the public from which they were extorted through product tie-ins, exclusionary distribution agreements, and other flagrantly anticompetitive business practices.

Thank you,
Richard Price

MTC–00027127

From: Joseph Esrey
To: Microsoft ATR
Date: 1/27/02 7:56pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am an ordinary consumer with no personal ties to the computing industry other than my own interest and enthusiasm for it. I am not presently employed by anyone in the computer industry, and having gotten my BA in Anthropology, I do not anticipate being so in the future. I am writing not as someone with any financial interest for or against Microsoft; I am merely an ordinary citizen who has been repeatedly outraged by what I see as the many, many transgressions of this company, and the way it repeatedly eludes penalty for its actions. As one who regularly uses a computer and is enthusiastic about it, I have followed the activities of Microsoft with interest and alarm. From all I have seen in the last few years of watching this industry, Microsoft has consistently demonstrated a wanton disregard for ethical business practices or the best interest of its customers. While competition and self-interest are natural directives in the business world, Microsoft has repeatedly overstepped the boundaries of ethics, and quite likely even law, in its ambition. It has repeatedly thumbed its nose at attempts to curb its objectionable behavior; its callous disregard for ethics or fair play is matched only by its appetites for power and profits. Many other companies find themselves paralyzed by this company; the ways in which Microsoft has retarded and stifled innovation are too numerous to count (though ironically, Microsoft frequently paints itself as an innovator, despite having originated little of value to the computing world). Microsoft has given every indication that it desires more and more power, and with the increasing pervasiveness of the electronic world in our culture it stands to hold greater sway over even the most mundane and fundamental parts of everyday life. I for one did not invite this presence into my existence, yet I find it difficult to avoid it.

Even when faced with punitive action, Microsoft has consistently demonstrated extraordinary arrogance in its behavior and its will to extend its monopolies. The recent example of its proposal to ''pay'' for its crimes by flooding schools with cheap-to-produce software materials that would strengthen its market penetration in schools while simultaneously avoiding paying more than a fraction of the fines it wished to portray itself as paying was simply the most recent instance of this.

Microsoft has shown itself to be above no means in trying to portray itself as a victim, to the point of forging letters from dead people in attempting to create the illusion of grassroots support. I strongly urge you to hold Microsoft truly accountable to its crimes, and to levy a real, significant, serious penalty against the company.

Sincerely,
Joseph Esrey
1710 NW 2nd Ave. Apt. 11
Gainesville, FL 32603
(352) 374–1440

MTC–00027128

From: Bret H. Reavie
To: Microsoft ATR
Date: 1/27/02 7:57pm
Subject: Microsoft Settlement

I have always been a satisfied customer of Microsoft products and I do not believe this legal case will protect me or any other consumer. Consumers did not make the original complaint, Microsoft's competitors did. The US governments efforts to undermine corporations that have been ''too'' successful is a threat to the US economy and is merely punishing those who have served their customers best.

America and the world needs more people like Bill Gates.

Bret Reavie
A satisfied Microsoft customer
CC:activism@moraldefense.com @inetgw,letters@capitalis...

MTC–00027129

From: JimDargin@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:59pm
Subject: Microsoft Settlement

Microsoft's business practices are entirely to aggressive and our government is the only body left that can put some controls on their activity.

Two examples:

1. Their insistence on controlling what the desktop looks like by computer vendors such as Dell. Microsoft would not even allow Dell to put certain icons in view on the machine even if the software behind the icon was actually installed on the machine.

2. Forcing computer vendors such as Dell or Compaq to pay an operating system royalty to Microsoft even if the vendor chose to put a Linux operating system on the machine instead of the Microsoft OS.

This is entirely too much power in the hands of a powerful company. The proposed settlement, as I understand it, is too soft on Microsoft. Please make some adjustments or oversight to control their business practices with respect to other hardware and software vendors.

Sincerely,
Jim Dargin

MTC–00027130

From: Mike Harrold
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Microsoft Settlement

To whom it may concern,

I find myself in a strange position. One part of me believes that an end to the Anti-trust case is beneficial to everyone. The far reaching consequences of this trial go way beyond the companies involved, all the way to the backbone of our economy.

That said, I simply cannot agree with the proposed settlement in its current form, particularly the lack of spine in the enforcement provisions. An oversight panel that is severely restricted in releasing its findings? Or in other words, a panel that can be all too easily silenced by the political process, something we should all be very concerned about. In addition, I find this case analogous to a murder trial where the defendant was found guilty, whose guilt was upheld by the Court of Appeals, yet receives probation from the District Attorney prosecuting the case in order to avoid a length sentencing phase. I am sure I am not alone in my thoughts on this.

I point the Court toward the proceedings in the recent civil case, where the proposed settlement was also rejected, the Judge in that case correctly identifying that the ''punishment'' was far too lenient, not to mention rather inappropriate given the facts of the case at hand. It would have been easy for the Judge to have accepted the settlement in order to put an end to the case, but such a settlement would have not been for the benefit of the plaintifs. I see a striking similarity here; the settlement on hand is clearly far more beneficial to Microsoft than it is to the consumers who have suffered at the hands of such a monopoly. I urge the Court to reject the settlement at this time, and to encourage the parties to continue negotiations toward a settlement. However, the Court must also send a clear signal to the parties that any settlement must not only address the core claims of the case, but also provide for —speedy— injunctive release from any future monopolistic behaviour by Microsoft. Otherwise we will find ourselves in this same position again very soon.

Mike Harrold
CC:ao@infinet.com@inetgw

MTC–00027131

From: Stu
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Settle Microsoft Please
STU STEPHENS
650 Alderbrook Lane
Olga, WA 98279
January 27, 2002
Attorney General John Ashcroft
U.S. 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. The issue has been drug out for over three years now, and it is time to put an end to it. A settlement is available, and the terms are fair; I would like to see the government accept it. In order to put this issue behind them Microsoft has agreed to many terms. They have agreed to design future versions of Windows to be more compatible to with non-Microsoft software. They have also agreed to change several aspects of the way they do business with computer makers. Microsoft has agreed to many terms; I would like to see the government accept the settlement and move on.

Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Stu Stephens, Owner and Associate Broker
RE/MAX Island Properties, Eastsound WA
Stu Stephens, Assoc. Broker, CRS, ABR, GRI RE/MAX Island Properties PO Box 1449 or 199 Main St., Eastsound WA 98245 800 551–1677, 360 376–2599; fax: 360 376–6211
<www.orcas-stephens.com>
<www.orcasislandonline.com>

MTC–00027132

From: Ryan Williams
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Unacceptable

I have read the settlement between the United States Government and Microsoft, and I do not find it acceptable. The settlement does not even begin to address the problem at hand: the illegal operating system monopoly Microsoft holds. It appears instead to be an almost-clever series of loopholes which may permit continued illegal behavior.

Let me give some illustrations:

III.C.5 . ''Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.''

—This was written either by a novice, or by an individual with Microsoft's interests at heart. Software does not exist but for the cooperation of those who write it. Most ''technical specifications'' exist as agreements between programmers (many as RFCs). Consequently, if Microsoft chooses not to cooperate, it has the ability to change its ''technical specifications'' so that other companies cannot comply and still assert that they are within the bounds of ''reasonableness''. Consequently this clause holds no water and appears to be cosmetic.

III.C.3 ''Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-Microsoft Middleware if Microsoft Middleware that provides similar functionality would otherwise be launched automatically at that time, 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.''

—This essentially allows OEMs to use non-Microsoft middleware only if such middleware apes what Microsoft middleware does already. I can think of no poorer excuse for ''competitiveness.'' III.J.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...''

—1) It is well known in the security industry that open documentation (indeed—revelation of source code) leads to a more secure product, not less. The idea that revealing some layer of a Microsoft protocol would compromise its security is perfectly fraudulent. I could explicate this point further, but I feel that it is unnecessary since this information is widely known (and must have been ignored in the writing of this settlement).

2) On a more disturbing note, this allows Microsoft the ability to refuse disclosure of any of its protocols for ''security reasons'', real or not. Since other companies require these protocols to interoperate with Microsoft's products, this is in effect giving Microsoft the ability to guarantee that only Microsoft may make middleware for its operating system. In a competitive situation, this would be disadvantageous to Microsoft, since middleware makers would simply switch to another operating system. In this world where Microsoft's operating system overwhelms the market, middleware producers will go out of business if they switch to another operating system.

All these references to ''menus'' and ''icons'' are disturbing when it is certainly conceivable that these visual aids will disappear and change over time as Microsoft's product evolves (perhaps they will disappear precisely to circumvent this settlement's stipulation. At this moment, there are very few OEMs that can carry on business without a contract to distribute Microsoft's operating system. As a consequence, none of them will have an alternative but to sign any license that Microsoft cares to write. Microsoft doesn't need to make their licenses ''reasonable'' nor ''non-discriminatory'' because it would be financially impossible for an OEM to contest one. This situation is subject to change, but without real, visible constraints, Microsoft will maintain a stranglehold on its Covered OEMs.

The fundamental problem with Microsoft's situation—that it has illegally maintained its monopoly and stifled competition, is not given much consideration. Much more of the volume of the settlement is devoted to appointing ''Compliance Officers'' and ''TCs'' than was spent on the rights of the OEMs to choose a non-Microsoft product. Nor does the settlement hint at how non-Microsoft products are to gain a foothold enough to compete at all. The fundamental problem here is that Microsoft is eager and capable of leveraging its dominant share in the Operating System market into an anticompetitive advantage for its other products (and further extend its monopoly at the same time). The settlement needs to address that, rather than grant piddling ''exceptions'' for other software companies.

-RYaN
Ryan D. Williams, MIT Class of 2003

MTC–00027133

From: Rebecca Ryness
To: Microsoft ATR
Date: 1/27/02 8:04pm
Subject: Microsoft Settlement

No company should be allowed to abuse antitrust laws, including Microsoft. I understand that Microsoft is considered by some a ''good'' company, but they are guilty of some very serious violations in regard to competition in their field. I do not think that the Proposed Final Judgment is the answer.

Please reevaluate the rulings on this case with comments such as mine in mind.

Thank you.
Rebecca Ryness
(323)663–3344

MTC–00027136

From: Kerwin Brown
To: Microsoft ATR
Date: 1/27/02 8:05pm
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I do not see this settlement as being effective since.

1) It does not do anything to alleviate the problem of Microsoft being a monopoly since it leaves the company intact.

2) It is to difficult to enforce the provisions and allows Microsoft to exempt itself from key ones.

3) Microsoft still decides what products are in computers that consumers buy.

4) The products they provide do not run well with non Microsoft products so consumers either have to deal with conflicts, obtain and install a whole new operating system or purchase Microsoft products only.

5) Microsoft has a history of not holding to agreements when it serves the companies purpose.

The remedies proposed by the Plaintiff Litigating States are good and serve the public interest but do not go far enough without addressing the above issues. Also citizens, consumer groups, Microsoft customers and Microsoft's competitors must be give an equal opportunity to participate in public proceeding held under the Tunney Act by the court.

Thank You for your time
Kerwin Brown
604 W. Beardsley
Champaign. IL 61820
(217—) 352–3312

MTC–00027137

From: John ODell
To: Microsoft ATR
Date: 1/27/02 8:05pm
Subject: Suit

I think that everyone should leave Microsoft alone; every company out there has the same opportunity to make the great impact on the technology and business in today world. If not for alot of time in development of there product Microsoft has taken, we would be 10 to 15 years behind. Everyone user has the choice to use whatever software out there. Like most of my friends use Netscape not IE, or other e-mail suite then Outlook. As for the software that Microsoft integrated in to there OS I personal do not use most of it I buy software that I like and have been using for along time. So as to say that by integrating of software in Microsoft OS people do have a choice to use it or buy the ones they like (when you buy a car there is a car stereo in made by the manufacturer, you have the option to use it or buy one that you like.

AOL messenger is not the only one out there. Many can integrate in to each other and are very much alike. There has been a messenger of some type along time before AOL came along. And all things that are invent has came from ideas of something else that is in use, so to say AOL has to be the only one to have a messenger or the use of one is about the same thing that everyone is up in arms that they say Microsoft is doing.

Thank you and let Business grow and no Government control of it, it unproductive.

John H. ODell
Bonehead a Shock
Wave Lab

MTC–00027138

From: Brad (038) Jo-Anne Jircitano
To: Microsoft ATR
Date: 1/27/02 8:06pm
Subject: Microsoft Settlement
Honorable Colleen Kollar-Kotelly,
U.S. District Judge

Microsoft needs to be fairly punished for its anticompetitive and monopolistic behavior. The current settlement proposed by the U.S. Government and Microsoft is woefully inadequate. The abandoned proposal to break-up Microsoft into two or more companies would have advanced the goal of restoring innovation and competition in the marketplace. When I buy a personal computer today, I can choose between several manufacturers (HP, Sony, IBM, Gateway, Compaq etc.) and the internal chips are manufactured by either Intel or Amdahl. [These choices exclude Apple Computer, Inc., which is at most, a niche player in the personal computer business.] When it comes to choosing a suite of applications (word processor, spreadsheet etc.) the only viable choice for the rank and file user is Microsoft Office. This automatically limits my operating system choice to one manufacturer, Microsoft—Windows XP or Windows 2000. Why couldn't I choose a Linux operating system and get Microsoft Office as an application suite? Because that would create competition for Microsoft's operating system. This competition would, in turn, create innovation in the marketplace. We might find that Sun Microsystems might offer it's operating system for personal computers if Microsoft Office were ported to that operating system.

This is why Microsoft felt it had to illegally attack Netscape. Netscape was becoming so powerful/popular that innovative companies were beginning to write word processor and spreadsheet applications that would work directly within the browser—Netscape Navigator. If this trend were allowed to continue, American consumers would have been able to actually choose the operating system that would be installed on their personal computer. If Microsoft allowed this trend to continue, consumers would have been given the freedom to not choose Microsoft as the only viable vendor for their personal computer operating system.

Microsoft Corp. has been found guilty of breaking the laws of this country. Many consumers and potentially innovative companies have been deeply harmed. Microsoft needs to be punished and the punishment needs to attempt to restore a free marketplace, innovation and competition in the personal computer industry. The proposed settlement does not do this. As a citizen of the United States of America, I look to you to see that justice prevails. Regards,

Brad A. Jircitano

MTC–00027139

From: Dickrae51@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:07pm
Subject: Re: Microsoft settlement

I sincerely hope that this self-serving, tax wasting lawsuit brought about by so-called competitors will be quietly dumped on the ash heap of thousands of other wasteful lawsuits of no merit. Microsoft has allowed me, a senior citizen, to enjoy the benefits of computerization and the Internet at a cost that has always been affordable to everyone. If the competitors wish to compete, they can stop whining and start spending what Microsoft has had to spend on research and development to make their products attractive and reasonably priced. All this lawsuit has done is hasten the slide into recession and a battered stock market. It's time that everyone realizes the damage this idiocy has created.

Richard J. Schuster
3835 Caughlin Parkway
Reno, Nevada 89509

MTC–00027140

From: Ken Casey
To: Microsoft ATR
Date: 1/27/02 8:09pm
Subject: Micrpsoft Settlement

It is difficult for me to understand why the Federal Government would single out Microsoft for this type of legal action. Those of us in the real world sincerely appreciate the opportunity afforded us by the wonderful products produced by this company.

It appears that you are attempting to hold Microsoft back to allow those other companies to catch up or even overtake them.

Where do you think this country would be if it were not for the software development done by Microsoft?

I can't understand why you would want to penalize a company for succeeding. Please listen to the common man for a change and leave this company alone.

Ken Casey
Broker-Owner
Ken Casey Realty
13710 Hwy 441, Suite 200
Lady Lake, FL 32159 1–888–716–6709

MTC–00027141

From: Tom Will

To: Microsoft ATR
Date: 1/27/02 8:09pm
Subject: Microsoft Settlement
Thomas E. Will
3660 Fawn Drive
Canfield, OH 44406
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I believe that the antitrust suit that was brought forward against Microsoft has taken the eye off of innovation. The settlement that was reached between Microsoft and the Justice Department pledges to put the drive to innovate back into the IT industry. The settlement is designed to give the consumer and economy a much needed confidence boost.

Under the settlement, Microsoft has agreed to license its Windows operating system to twenty of the largest computer makers on equal terms and conditions, including price. The settlement instructs Microsoft not to enter contracts that would restrain software developers from developing or promoting software that would compete with its Windows. Microsoft has also agreed to the establishment of a three-person ''Technical Committee'' that would observe its conformity to the settlement.

I believe that the settlement addresses the demands of the suit adequately, and it would be beneficial in providing assistance to the revival of the economy. It's time to get on with business. I strongly recommend that you maker certain to finalize this settlement.

Sincerely,
Thomas Will
CC:fin@mobilizationoffice.com@inetgw

MTC–00027142

From: Jack Lilygren
To: Microsoft ATR
Date: 1/27/02 8:11pm
Subject: Microsoft Settlement
622 Dundee Lane
Holmes Beach, FL 34217
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Three years is a very long time. With the economy in its current shape and so many other important causes that tax payer dollars could be used for, there could never be a better time to close this case. Microsoft has contributed too much to society, the economy and the IT industry to be punished the way they have been. Microsoft's innovations have changed the computer technology forever and enhanced the professional and personal lives of millions of users around the world.

In addition to the soundness of Microsoft's innovations, the past three years has proven that Microsoft is has fortitude and strength. Though the lawsuit has, without a doubt, cost Microsoft millions of dollars and unspeakable frustration, I believe that the hardship they have had to endure throughout this litigation will only help to make them a better company.

They have already displayed gracious compliance to the terms of the settlement and have even agreed to issues that were not even at issue in the lawsuit.

It should no longer be necessary for competitors to accuse Microsoft of trying to corner the market. This is because Microsoft has agreed to create future versions of Windows that would allow for compatibility with non-Microsoft products. Additionally, competitors will have access to internal Windows interfaces—an unprecedented move in an antitrust case.

It is my hope and the hope of many observers that this matter will come to a close as soon as possible. We are counting on your vigilant efforts.

Sincerely,
John Lilygren
jlilygrn@tampabay.rr.com

MTC–00027143

From: Jack T. Dwyer
To: Microsoft ATR
Date: 1/27/02 8:06pm
Subject: Microsoft Settlement

As a taxpayer and citizen, I would like to add my name and that of the other members of my family in requesting that the DOJ finalize the proposed settlement agreement with Microsoft and move on with more important work and pressing issues. In my opinion, this whole issue and that of AOL's pending lawsuite is nothing more than a continuing effort to stifle Microsoft's innovative efforts, and subsidize other non competetive companies at taxpayers expense. I am really tired of this issue, and would like to see some progress on behalf of consumers, technology, and the government. These companies, AOL Netscape and others are working to defeat Microsoft's efforts to move on, and are using politics and the courts to futher their ambitions.

Lets all move on and devote our time to more rewarding work. Let the success or failure of private companies depend on their own efforts, not on their abilities to manipulate the DOJ and the courts.

Sincerely,
Jack Dwyer
Jetlag@networld.com

MTC–00027144

From: Phil (038) Barbara Stone
To: Microsoft ATR
Date: 1/27/02 8:11pm
Subject: Microsoft Settlement

One of the fundamental functions of the United States government is to protect its citizens from the initiation of force and fraud. Microsoft is guilty of neither. Millions of people buy Microsoft products of their own free will. No one forces them to do so. The American people are not ''helpless victims'' who cannot choose software that is most useful to them. The government does not have a right to decide what can be on my or anybody's computer.

It's not the government's place to decide who has ''too much'' of the market. It is the consumer's job to do that by deciding what to purchase. The complaint against Microsoft originated with its unsuccessful competitors, not with its customers or partners. Failed businesses must not be allowed to set the rules for the markets in which they have failed.

Microsoft has a fundamental right to its property. The government's job is to protect that right, not to take it away. You must vote in favor of Microsoft because to do otherwise would blunt the entrepreneurial spirit if this great country.

Barbara Stone,
Strongsville, OH

MTC–00027145

From: MCCUE
To: Microsoft ATR
Date: 1/27/02 8:14pm
Subject: all done

I hope this will help

MTC–00027146

From: Margaret K. Herrin
To: Microsoft ATR
Date: 1/27/02 8:13pm
Subject: Microsoft settlement
Margaret Herrin
9 Pebble Lane
Signal Mountain, TN 37377–2142
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am writing to express my support in the three-year antitrust settlement between Microsoft and the federal government. I sincerely hope that no further litigation is being sought at the federal level.

Taking in to account the terms of the agreement, Microsoft did not get off easily. In fact, Microsoft is left to make several significant changes to the ways that they now handle their business. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. With the many terms of the agreement, I see no reason to pursue further litigation on any level against Microsoft. Thank you for your consideration.

Sincerely,
Margaret Herrin

MTC–00027148

From: Jim Brauner
To: Microsoft ATR
Date: 1/27/02 8:23pm
Subject: Microsoft Settlement

It is simple. I expect the government and legal system to punish predatory business practices when they are judged as such. Microsoft should have little to no say so in what their penalty should be. It should hurt them and cost them lest you send a message to them that because they have billions to try to change the truth of their conviction is not going to work.

Penalize them to the full extent of the law so that they hopefully learn a lesson. If you don't do that then just take you pathetic system and go home, you are not needed nor are you helpful.

MTC–00027149

From: pvnyejag2@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:25pm
Subject: microsoft settlement

WHEN ARE YOU PEOPLE GOING TO REALIZE THAT THE PEOPLE OPPOSED TO MICROSOFT ONLY WANT TO DESTROY AN INOVATIVE AND SUCCESFULL BUSINESS ENTRAPENEAUR,WHO HAS DONE MORE GOOD TO BRING COMPUTORS AND COMPUTING OUT OF THE DARK AGES.LETS QUIT WASTING (MY) TAXPAYERS MONEY ON THIS WITCH HUNT AND GET ONTO SOMETHING USEFUL.....!!!!!!!!!!!!!!!!!!!

Thomas J. Hankamp
318 Creek Rd.
Pleasant Valley,N.Y. 12569

MTC–00027150

From: Jared
To: Microsoft ATR
Date: 1/27/02 8:27pm
Subject: Microsoft Settlement

I wish to state, for the record, that I am opposed to the current Microsoft anti-trust settlement. It is not in my interest and neither serves justice nor justifies the vast expense that taxpayers have contributed to thwart yet another abuse of market power by yet another behemoth corporation.

Jared C. Rypka-Hauer
Continuum Media Group LLC
Burnsville MN

MTC–00027151

From: Ann Gambrino
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: re: Microsoft cases
January 26, 2002
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o: Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

I write to express my concerns about the proposed settlement of the Microsoft cases. As the executive director of business/trade association, I consider myself to be very pro-business and generally supportive of free enterprise and open competition. However, in order for the free enterprise system to properly work, there must be an opportunity for businesses to actually compete against each other! I respect Microsoft for what they have been able to accomplish, but I believe Microsoft has gone too far in some of its practices. As a result, a competitive market in their sector no longer exists, and businesses and consumers are hindered and frustrated.

I understand that a settlement has been proposed that the Department of Justice has found acceptable. I further understand that various attorney generals have also found the proposed settlement acceptable. The Attorney General of the State of Utah is not one of them. I support his position and believe that the terms of the settlement are too lenient on Microsoft. Adoption of the proposed settlement would do nothing but delay the imposition of reasonable sanctions, prohibitions, and conditions on Microsoft until the next government action is taken, if any. In the meantime, Microsoft would essentially walk away with a hand-slap and the ability to continue its anti-competitive behavior. This could also set a precedence that would allow other businesses to take similar control of a market, because they know that they could get away with only lenient punishment, if any.

I ask the court to conduct hearings to determine an appropriate remedy that will reasonably penalize Microsoft for past actions and prevent future violations of antitrust laws. Such an action will only be in the best interest of all businesses and consumers.

Sincerely,
Ann Gambrino, executive director
Utah Hotel & Lodging Association
CC: The Honorable Mark Shurtleff, Utah Attorney General
Jonathon Jaffe, The MWW Group

MTC–00027152

From: J. Andrew Hoerner
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: Microsoft Settlement

I am a consumer of Microsoft software, in both my personal and my professional capacity. I strongly oppose the current settlement, which does little or nothing to prevent Microsoft from continuing to extend its virtual monopoly on operating systems for desktops and laptops to other forms of software, by either integrating them with the OS, or requiring software developers to make various concessions for the privilege of building complicated interfaces with the OS. I believe that no solution can be adequate unless it either splits Microsoft into an OS company and an applications company or makes the OS source code available to all, including MS's own applications developers, on a uniform basis.

Andrew Hoerner
J. Andrew Hoerner
Senior Research Scholar & Director of Research
Center for a Sustainable Economy
1731 Connecticut Ave, NW, #500
Washington DC 20009
phone: (202) 234–9665
fax: (202) 588–1297
ahoerner@wam.umd.edu
http://www.sustainableeconomy.org/

MTC–00027153

From: dwelter@coin.org@inetgw
To: Microsoft ATR
Date: 1/27/02 8:23pm
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,
Don Welter
515 Defoe Dr.
Columbia, MO 65203

MTC–00027154

From: RGAshbaugh@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: Microsoft settlement

Leave them alone. They provide outstanding products and service.

Rusty Ashbaugh

MTC–00027155

From: Robert Walion
To: Microsoft ATR
Date: 1/27/02 8:28pm
Subject: Microsoft settlement

.This proposed ''settlement'' is a joke.Microsoft essentially has offered nothing and is probably laughing at the court for even considering the proposal.Microsoft needs to be dealt with harshly.Instead,the Justice department wants to lightly slap them on the wrist.

There should be a $10 billion fine at the very least.This still wouldn't really hurt Microsoft since they currently have almost $40 billion in cash reserves.The company should still be broken up and it's conduct in the marketplace closely monitored.After seeing several states sign off on this travesty of a ''deal',I won't hold my breath waiting for that to happen....

God help us all if this is how the Govt. deals with white collar criminals.

Robert Walion

MTC–00027156

From: barbipayne@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:24pm
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,
Barbara Payne
10021 Cavalry Dr
Fairfax, VA 22030–1913

MTC–00027157

From: H. Peter Anvin
To: Microsoft ATR
Date: 1/27/02 8:28pm
Subject: Microsoft Settlement

To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530–0001
microsoft.atr@usdoj.gov
From: H. Peter Anvin
4390 Albany Dr Apt 46
San Jose CA 95129–1621
hpa@zytor.com
To the Honorable Court:

As a resident of the United States and a professional software developer, I would like to comment on the proposed settlement in United States vs. Microsoft, as provided by the Tunney Act. I believe the proposed settlement contains severe flaws in that it seems to lack proper provisions for enforcement, and fails to address some of the real consumer concerns going forward.

First of all, let me refer to you to a very thorough and insightful analysis provided by Mr. Dan Kegel, available on the World Wide Web as http://www.kegel.com/remedy/remedy2.html. Mr. Kegel carefully addresses many of the shortcomings in the proposed settlement, and advises how to adjust it to make it more appropriately fit the current situation.

Rather than reproducing the points of Mr. Kegel's analysis here, I would like to explain why it is imperative that these elements take into account. The goal of the settlement should be to rectify the anomalous situation that has developed in the computer industry through the unlawful anticompetitive conduct on the part of Microsoft.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, THE INTIMATE CONNECTION BETWEEN OPERATING SYSTEM VENDOR AND APPLICATION SOFTWARE MUST BE BROKEN. At one time, it was commonplace for software vendors to release their software for multiple platforms. Today, due to the overwhelming dominance of the Microsoft platform, Windows is generally the only platform for which software can be obtained, regardless if the software is from Microsoft or not. Therefore, the settlement must create conditions under which we can move from a Microsoft- centric software market to a competitive software market, and the only way to do so is by making it possible to create a standard platform, an Application Programming Interface (API), and enforce its use. This is addressed by Mr. Kegel in the proposal of the creation of a Windows API Standards Expert Group and requiring Microsoft to cooperate with it; a proposal which I fully support.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, FILE FORMATS MUST BE DISCLOSED. Microsoft have, by leveraging their Windows monopoly, established monopolies in other areas, such as productivity applications. Today it is commonplace for people in business situations to receive Microsoft Office documents as e-mail attachments; it being assumed that the recipient has access to Microsoft Office as a matter of course. The Findings of Fact ?20 and ?39 address the barrier to entry; this is an essential part of the barrier that needs to be overcome.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, THE FINAL JUDGEMENT NEEDS TO BE STRICTLY ENFORCED. Microsoft has in the past, such as after the Consent Agreement of 1994, dealt with antitrust settlements by making trivial changes that amount to little more than relabelling to their business practices in order to avoid the bite of the settlement. Due to the very rapid pace of the technology industry, renewed court action is likely to delay until the renewed monopoly situation is already a fait accompli. Therefore, the Final Judgement needs to have independent oversight, capable of imposing strong sanction without further court action.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, OPEN SOURCE SOFTWARE NEEDS TO BE ALLOWED THE SAME ACCESS AND PROTECTION AS COMPETING COMMERCIAL SOFTWARE. A number of items in the proposed Final Judgement specifically excludes so-called Open Source software. However, it has shown over the past several years that the most likely candidates to challenge Microsoft as a monopoly are exactly such Open Source operating systems and software, such as Linux, an operating system developed by Linus Torvalds in conjunction with a large number of volunteers and, more recently, corporations. It is therefore imperative that the proposed Final Judgement be revised to give Open Source software developers full parity with commercial software developers.

As outlined above, I believe the Proposed Final Judgement is not in the public interest as it will not perform its intended function of restoring competition to the software marketplace. I refer to the proposal of Mr. Kegel for the details on how it may be revised.

Sincerely,
H. Peter Anvin
San Jose, California

MTC–00027158

From: Julie Davidson
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: Microsoft Settlement

From the Competitive Impact Statement, section II, Overview of Relief: ''The relief contained in the Proposed Final Judgment provides prompt, certain and effective remedies for consumers. The requirements and prohibitions will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.''

I think the Proposed Final Judgment does not begin to achieve this. MS is nothing if not creative when it comes to ''business methods''. Not to mention language interpretation...

And how does it happen that the definition of Microsoft Middleware omits MS Office and Outlook (but includes Outlook Express ???) I mean, if we're going to ''restore competitiveness'', why play favorites?

cc: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
CC:snail mail

MTC–00027159

From: Shane Chen
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: On the Proposed Final Judgment.

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I'd like to comment on the Proposed Final Judgment (PFJ) in United States v. Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). My name is Shane Chen. I'm currently working as a web master for the Institute for Creative Technologies (www.ict.usc.edu). In the past five years, I also worked as a network administrator, and technical support. I can easily attest to Microsoft domination of the office applications, middleware, and operating systems market.

If the PFJ ''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 current proposal is wholly inadequate. Not only are the terms such as ''API'', ''middleware'', and ''Windows OS'' too narrowly defined, the current PFJ seems to only be a veiled attempt at ''punishing Microsoft.''

In short, the current PFJ still leaves everyone at the mercy of Microsoft. MS could rename a product, create a new product, fail to provide sufficient documentation to competitors, etc., and even if MS was caught violating the PFJ, they would spend months and years in court to argue that they weren't in violation. Meanwhile, business still has to go on. People still need operating systems to drive their machines, MS word to do word processing, etc. And MS's competitors would suffer because the easiest way to easier compatibility and avoid problems would still be to use MS products. Because of this, the current PFJ cannot possible restore competition to the computer software market. The easiest and the most elegant solution, is not by doing anything directly to Microsoft, but putting Microsoft in the position where they actually have to compete, instead doing anything they please knowing full well there's not a thing anyone could do about it. This is NOT an impossible task. However, to accomplish this, the U.S. government would have to lead the way.

If the U.S. government would decree that all government software be switched away from closed sourced proprietary solutions to open source based solutions, then everyone could compete fairly. This would give immediate incentive for all businesses wanting government business to at least in part run open source software. Microsoft would instantly cease to be the dominate player in the computer software market. This is of course, not excluding Microsoft from

competition. Microsoft is welcome to compete in that space. They could provide open source solutions or file formats, or at the very least, have to also create products that can no longer exclude competition by intentional proprietary design.

The simplicity of this solution would actually restore competition to a market that is currently at the will and whimsy of Microsoft. Of course, the appellate courts have no such legal power to decree this, but the dominance of Microsoft in the computer software market space will require a solution of this magnitude.

God save us all,
Shane Chen

MTC–00027160

From: Dick and Candy James
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: Microsoft settlement
January 27, 2002
Attorney General Ashcroft, Justice Dept.
950 Pennsylvania Ave. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I would like to urge you to support the settlement that has been reached between the Dept, of Justice and the Microsoft Corp. It is time to get back to rebuilding our economy, especially the technology field which has been so badly hurt in this recession.

Sincerely,
Carlyn and Richard James
741 Walnut
Edmonds, Wa. 98020

MTC–00027161

From: Todd Grant
To: Microsoft ATR
Date: 1/27/02 8:35pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. As a Small business owner in the computer technology field, I will keep this brief. Each day Microsoft goes with out checks in place to monitor the tactics they use, the harder it is for me to provide my customers with the best solution available.

In short, the proposed settlement is a bad idea

Sincerely,
Todd Grant—Consultant
NT Consultants
tgrant@ntconsultants.net
http://www.ntconsultants.net

MTC–00027162

From: Jud Meaders
To: Microsoft ATR
Date: 1/27/02 8:34pm
Subject: Microsoft Settlement

In the two months or so since I first wrote, nothing has happened to change my mind re your caving in to the Microsoft Corporation with your ''proposed settlement.'' Microsoft continues its anti-competetive practices, seemingly with your blessing. They continue to use their monopoly position to leverage their way into other key areas of the economy. Again, with your blessing.

Does the public know that the federal government is Microsoft's largest customer? How is it, given the judgment against them, unanimously upheld, that the government continues to purchase products and services from them, and still keeps them on a preferred supplier list? Pardon my cynicism, but could it be their money and influence? What else could it be?

Does the public know that Microsoft has not paid ANY federal income taxes for at least the past two years, maybe longer? Do they know how Micorosft is doing that? Can you say non-expensed stock option grants? Do they know that Microsoft's internal auditor was fired several years ago because he wouldn't go along with what he considered securities fraud? That he received a $4 million settlement with the company that included a gag order?

Given the penchant of this administration for secrecy, it may take us some time to find out just what the government's ties with Microsoft really are (how else to explain such a capitulation to an arrogant, unrepentant monopolist?). But I will do what I can to see that those ties are exposed, by writing letters such as this one, by staying informed, and by letting my elected Senators and Representatives know of my opinion. I am forwarding a copy of this e-mail to each of them.

Thank you for your time. I hope your future actions prove me wrong.

Jud Meaders

MTC–00027163

From: John Stevenson
To: Microsoft ATR
Date: 1/27/02 8:35pm
Subject: Comment for the Record Microsoft Antitrust Case

Dept. of Justice—Interested Parties

I believe that your prosecution of Microsoft is nothing less than an attempt to tear down a company that has earned its way in the marketplace. This country is about achievement and that means winning and losing. Your job is to simply keep your hands off the process.

Sincerely,
John Stevenson
1109 Don Gaspar Lane
Santa Fe, New Mexico 87505

MTC–00027164

From: jake—michel@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:38pm
Subject: Microsoft Settlement

To whom it may concern:

Currently the software development industry is at an inflection point. The monolithic application architectures of the 1980's and 1990's are giving way to architectures based on Object-Oriented design and XML-based interoperability.

With its .NET software initiative, Microsoft is providing the leadership that PC developers are looking for. Microsoft's work in the languages and tools area is critical work that enables thousands of independent developers to add value around the PC platform. My view is that Microsoft is stepping into a void caused by a failure in leadership at Sun Microsystems. Sun has impeded the market with legal tactics and government lobbying, to prevent desktop developers from innovating with modern programming languages. Sun, as a server vendor, has a vested economic interest in today's ''dumb client,'' and has used legal and political tactics, as opposed to technological innovation, to preserve today's outdated status quo.

Technologists may look back at the 1998–2001 period as a period of frozen innovation, as competitors choose to compete on the basis of lawsuits and government budgets rather than deliver products desired by the market. In my opinion, much of the ''dot.com'' meltdown has been caused by technological stagnation around mid-1990's software architectures. The simplistic, dumb-terminal model of the HTML browser did not create a platform where programmers could create a distinct value proposition. The bottom line is that this industry needs to get back to work. Microsoft appears to be taking a leadership role in delivering to the programming languages and tools necessary to allow 3rd parties build the software systems of tomorrow. This is work that must go forward without further delay. The alternative is continued economic crisis in the Information Technology industry.

Sincerely,
Jason Michel
CC:jake—michel@yahoo.com@inetgw

MTC–00027167

From: Don
To: Microsoft ATR
Date: 1/27/02 8:38pm
Subject: Microsoft settlement

Microsoft won the settlement a long time ago. Let us move on.

MTC–00027168

From: jproud@micron.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:38pm
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,
Jerry Proud
Rt. 1 Box 67
Marsing,, ID 83639

MTC–00027169

From: Grady B Nichols
To: Microsoft ATR
Date: 1/27/02 8:41pm
Subject: Microsoft Settlement

Please accept the proposed Microsoft Settlement and move on to more important business. I believe Microsoft is being punished for being innovative and successful.

Grady B. Nichols
400 Kiowa St.
Montevallo, AL 35115–3671

MTC–00027170

From: rurich@tway.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:37pm
Subject: Microsoft Settlement

After review of the Proposed Final Judgment in the United States vs. Microsoft Corporation case, I find the proposed remedy to be insufficient to serve the public interest. The remedy fails to fulfill two of the three goals an appropriate solution should provide. This Proposed Final Judgment fails to prevent future antitrust violations by Microsoft, and fails to undo the consequences suffered from Microsoft's violations. I also believe the Proposed Final Judgment extends too much protection to Microsoft's monopoly of operating systems. Relevant chapter, section, subsection information will be enclosed in parenthesis where it is believed appropriate and beneficial.

Instead of preventing future violations, the Proposed Final Judgment seems to protect Microsoft from new threats. My main concerns are the limitations as described below:

(III.C.3) Limiting automatic launching of middleware to only ''similar functionality'' that Microsoft already delivers prevents new functionalities from being introduced. This section seems to guarantee Microsoft the right to decide what types of middleware may automatically run.

(III.D) By limiting the released APIs to only those Microsoft has already used in middleware, Microsoft is protected from middleware using new features Microsoft has not yet applied to middleware products. Essentially this guarantees Microsoft the first chance to use an API feature, and further the right to prevent some API features from becoming available to middleware products that might use those features in a way that could threaten Microsoft's operating system monopoly.

(III.H exception 1) This exception states Microsoft may invoke Microsoft middleware to interoperate with a server maintained by Microsoft. Microsoft's .net initiative seems to plan for the increased use of servers maintained by Microsoft for many activities. By allowing this exception, it may serve to allow Microsoft to invoke their middleware on an increasingly frequent basis, at least in part eliminating the ability for non-Microsoft middleware to effectively compete. Through this exception, Microsoft could also illegally maintain the Windows operating system monopoly, and even create new monopolies, by placing critical components of Windows onto servers maintained by Microsoft.

(III.H exception 2) This exception provides Microsoft the opportunity to override a non-Microsoft middleware product with a Microsoft one should the non-Microsoft middleware fail to implement a feature the Microsoft middleware implements. This seems to suggest Microsoft may be given the right to make sure a Microsoft interest will always function, which seems likely to allow further abuses of the Microsoft Windows monopoly.

The Proposed Final Judgment fails to undo the consequences of Microsoft's illegal anticompetitive behaviors. If Microsoft had not illegally maintained the high application barrier to entry, many things would certainly be available to a much broader range of operating systems, yet I can find no actions taken to undo these damages Microsoft inflicted. Further, Microsoft is actually rewarded for the antitrust violations they have been found guilty of.

Due to Microsoft's maintenance of the applications barrier to entry, a large amount of additional power and influence was gained by Microsoft. This gained power likely led to many new proprietary standards released by Microsoft having unnaturally high acceptance, rather than alternative standards being created that would not be under the control of Microsoft. Examples of standards released by Microsoft (not necessarily affected by Microsoft's antitrust violations) include, but are not limited to, Windows-Media Formats, Active Server Pages, and DirectX. It is essential to ensure functionality provided by Microsoft standards that would have been fulfilled by non-Microsoft standards had Microsoft not broken antitrust laws be available in a similar fashion to how the non-Microsoft standards would. Further, Microsoft should not be allowed to profit from such standards more than they would have had Microsoft not violated antitrust laws.

In regards to the rewards Microsoft will receive under the Proposed Final Judgment, (III.I) allows Microsoft to license (in addition to their legal intellectual property) the intellectual property that illegally gained value through Microsoft's anticompetitive behaviors. This results in Microsoft being provided with new revenue streams as a result of their illegal actions. This sets a bad precedent by allowing a company to violate antitrust laws, and then establish permanent revenue streams from those same violations.

I have another fairly minor concern about the definition under (VI.J) of ''Microsoft Middleware'', which states a major version is described as one with either a new name or a new whole number or number directly to the right of the decimal point. If Microsoft were to change their versioning system, it seems this could become ineffective. It also seems this may cause Microsoft to change their view of when a new version is worth the trouble of labeling with a new whole number or number directly to the right of the decimal point.

Overall, the Proposed Final Judgment seems to be lacking on many critical points, and provides no way to introduce future revisions should they be necessary to correct the oversights of the Proposed Final Judgment.

Richard Urich
rurich@tway.net
1146 Pointe Newport terr 208
Casselberry, FL 32707
(407) 493—7906

MTC–00027171

From: Eddie Birmingham
To: Microsoft ATR
Date: 1/27/02 8:44pm
Subject: Microsoft Settlement United States Department of Justice:

I am a Software Developer and have been watching the Microsoft case from the beginning. I DO NOT support the US DOJ's position on Microsoft for reasons I have outlined below:

1. The software I am developing is called TLMAXCAP (tlmaxcap.com). It is a program designed to help smaller companies/manufacturers, that ship product on semi trailers, manage their shipments. It includes functionality for importing data from their existing computer system, printing of important shipping documents like Carrier Confirmation Reports and Bills of Lading, and it allows an unskilled person to arrange the product on the trailer so that weight is distributed evenly over the entire trailer. This product was developed with Microsoft Access and Microsoft Visual Basic.

2. Furthermore, it is only because of products like MS Access and MS VB that this new software can be developed by one person (me), in a one bedroom apartment for under $7,000 and in only three months. In fact, the cost of the software was less than $1,200. This doesn't mean I couldn't have used another software alternative. It does mean it would have cost ME more time and money and the software would probably not have been as feature rich.

3. Furthermore, by using my software, companies will be able to cut down on the number of errors and mis-calculations in the shipping process. For example, one ''standard'' operating procedure in the shipping industry is to have a semi-trailer weighed before it actually ''hits the road''. If the load is not arranged properly (e.g. over-weight), the driver returns to the Shipper and has the problem resolved. Some of the benefits of reducing the number of times this ''procedure'' occurs, include: saving Driver time and money, less gas used (less pollution), saving the Shipper time and money, and better efficiency for everyone in the supply chain.

4. Furthermore, I believe these facts dispute the claim by the US DOJ that I am a helpless consumer. I know what I want and I know how to get it. I have molded Access and VB to fit my needs and have exploited the features of those two products to offer an exceptionally powerful product at an exceptionally attractive cost to Customers. I would challenge the Court to come up with a better solution to offer the same product, with the same features, as I have developed—real OR imagined.

5. Like most American's, I want to become successful. This level of success will be determined by me, but TLMAXCAP is a step in the right direction. It just so happens there is free software out on the Internet that does some of what my software does. Should I sue them? What if other competitors decide to lower their prices in response to my software? Should I sue them? Should they sue me for having a lower price? What if a price war breaks out and pretty soon my software is $1. I can't live off of $1 software,

so hopefully I would have a better business model that would allow me to outlive (in a business sense) some competitors so I could start charging something for my software again. Should they sue? Should I sue? Okay, so I won't give my software away, but at what price does it become anti-competitive?? It would be a race to the courthouse! Should I even be having these concerns?? How much am I going to have to raise the cost of my software by so I can have a little war chest just for litigation? Who wins??

6. Finally, I am not a Microsoft fanatic. I am not offering this information as a confession or a justification, but only so the Court knows my real view: I want the best products and I don't care who builds them; I believe the free markets and competitive nature within, will afford me this. I am typing this e-mail using Netscape and Netscape Navigator is my browser of choice. I hate IE and I have expressed this distaste to Microsoft and my reasons for this ''hate''. I would not use IE simply because Microsoft developed it (that would make me a fanatic). In fact, my *only* complaint about Netscape is that whenever I hear about this DOJ vs. Microsoft case I am reminded that one of the major players is Netscape (AOL, now) and that leaves a bad taste in my mouth—that I am actually supporting the very anti-competitive vermin responsible for this whole mess. I would only like to point out that Netscape was able to beat its previous competitor, Mosaic, with a better product, Navigator (it was once just called Netscape). Mosaic was Free, but Netscape was better. So if Netscape was able to beat Mosaic in the free markets of the United States, why can't they beat IE?? If Netscape was still trying to be competitive (which this Court Case has assured is not happening) they would be out showing the world how their browser is better because it doesn't crash as often, it doesn't do a bunch of stuff on their PC they don't know about, they are less prone to virus attacks, they are much easier to configure, they aren't tied into a million other parts of the OS so there are less parts to break, etc. etc. In any case, I think this is a question for the market place to answer, and not the Courts.

Thank you for your time,
Eddie Birmingham
burma@qwest.net

MTC–00027173

From: r.w.vavra@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:41pm
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,
Robert Vavra
9897 SE 178th Place
Summerfield, FL 34491

MTC–00027174

From: Jeff Beverly
To: Microsoft ATR
Date: 1/27/02 8:48pm
Subject: Microsoft Settlement

I think that it would be wise to settle for the terms that Microsoft has agreed. The Microsoft Corporation has produced and licensed high-quality software products to the World. Their software is far superior to anything that I have tried using. They have, in no way, stopped other companies from competing with them. If Microsoft wants certain computer makers to bundle only Microsoft products, that's there business. If I don't want to use Microsoft products on my computer, I won't buy the computer that is only bundled with Microsoft products. I'll buy something else. There are plenty of computer manufacturers from which to choose. It is not Microsoft's problem that no other computer software maker can make an operating system as functional as Windows. The successes of Microsoft have been remarkable, and companies like AOL, Netscape, and Sun Microsystems are jealous of that success. It was wrong for the United States government to take sides with the ''cry baby'' companies and weaken, perhaps, the most successful and technology-driven company in the world, The Microsoft Corporation.

Sincerely,
Jeff Beverly

MTC–00027175

From: J.B. Nicholson-Owens
To: Microsoft ATR
Date: 1/27/02 8:54pm
Subject: Microsoft Settlement

Dear Your Honor,

Pursuant to the Tunney Act, I wish to comment on the proposed settlement of the Microsoft case. I feel that this settlement would be contrary to the public interest, and I strongly oppose it. The proposed settlement would cement Microsoft's market dominance (a dominance largely realized through unsavory means) and, more broadly, it would seriously harm competition and innovation in the computer industry. Both of these outcomes are highly undesirable.

The cornerstone of this case involves competition. Historically, rival firms and developers have found it very difficult to compete with Microsoft for two main reasons; Microsoft's proprietary file formats and proprietary Application Programming Interfaces (APIs). APIs function as an interface that allows different software programs to interact with one another; for example, APIs allow a word processing program to work together with a computer's operating system. The problem here is that Microsoft prevents competition by using secret APIs; Microsoft's applications and operating systems employ undocumented program instructions (that is, program instructions that are not publicly released). Microsoft places valuable functionality in secret APIs and thus prevents competition from leveraging that functionality. For example, while many developers can write a word processor to attempt to compete with Microsoft Word, a non-Microsoft word processor will never offer certain features available only through secret APIs—features only a Microsoft word processor (such as Microsoft Word) is able to provide.

Furthermore, Microsoft's management of its file formats also stifles competition. In addition to being secretive with the details of critical file formats, many Microsoft application file formats change with successive versions of the program; for example, from one version of Microsoft Word to the next. These shifting file formats are primarily designed to prevent competition. By rendering it impractical for potential competitors to develop compatible substitutes which read and write Microsoft file formats—a critical step in making a viable product—competitors are unable to supply a fully compatible alternative to Word or other Microsoft programs. It has been difficult to write a fully compatible Microsoft Word alternative because determining the Microsoft Word file format is both undocumented and changing. As a result of secret APIs and secret changing file formats, rival products are rarely developed.

Given the critical roles played by APIs and file formats, it is crucial that any proposed settlement do three things:

1. Force Microsoft to disclose all of the file formats and APIs available in all shipped products (including future enhancements). This will end the secrecy around Microsoft's file formats and APIs which will help remedy Microsoft's prior abuse of their monopoly.

2. Force Microsoft to use only disclosed file formats and APIs in products it will ship from now on. This will prevent future abuses by preventing Microsoft from using newly invented secret file formats and secret APIs. Microsoft would remain free to innovate and improve their software by changing their APIs and file formats as needed, but they would be forced to distribute programs built solely on disclosed file formats and APIs.

3. Allow anyone to develop software programs with the disclosed file formats and APIs. This, taken with the previous two actions, will allow viable competition with Microsoft. Just because specifications are documented does not mean other developers are free to develop software based on those specifications, hence the need for this third settlement term.

The settlement in question does not do any of these things; rather, Microsoft is free to continue its past practices. If one clause requires publication of an API or file format, for example, it is accompanied by another clause that prevents a competing developer from actually using that information. The final judgement leaves Microsoft free to continue shipping software that uses secret APIs and secret file formats. Nothing in the final judgement allows for or requires provision of Microsoft APIs and file formats

in a way that will encourage markets and competition.

Frankly, this situation is no different—and no better—than the one that prevailed before the filing of this Microsoft anti-trust case. Given this, it is obvious that an alternative policy is required, one that will promote fair competition, and, fortunately, the broad outlines of such a policy are clear. Simply put, Microsoft must be compelled to compete. They must be required to publish all their APIs and file formats (including future enhancements) with the agreement that other firms can write software that complies with these Microsoft specifications. Microsoft must also be required to use only the published file formats and published APIs in shipped products so they cannot continue the anti-competitive practice of developing secret functionality. Such an approach would have numerous benefits. First, real competition would be a boon to consumers. Consistent with the fundamental principles of markets, this would be likely to provide lower software prices in many cases. Furthermore, competition would also provide a wider product range. Given Microsoft's general dominance, most users are afraid to use non-Microsoft products because they are justifiably concerned that their existing Microsoft-based files or documents will be incompatible with non-Microsoft programs. Clearly this discourages development by other firms, and it locks users into obtaining and using a single product.

By shipping software using only published file formats and APIs, however, competing firms would have an incentive to develop competing products, some of which would undoubtedly provide greater satisfaction and value for many consumers. Finally, competition would spur innovation and development in the software industry. In many cases, frankly, Microsoft products have prevailed because of market dominance rather than quality. Microsoft products contain many undesirable features—vulnerability to viruses, poor privacy protection and so on—which have been allowed to arise and persist because there is little or no pressure to fix them; consumers disillusioned by poor Microsoft products typically have nowhere else to go. Clearly, competition is the remedy for this.

To restate and conclude, the point here is simple: competition. Competition is the cornerstone of the market, and, if allowed to flourish, it usually works well. Microsoft knows this and Microsoft has been working very hard to stifle viable competitive alternatives. You have the power to limit their aggression against competition by refusing the settlement on the grounds that it does not adequately address Microsoft's actions in regard to their handling of file formats and APIs. Please don't let Microsoft continue to prevent consumers from enjoying better computer systems, and please encourage a situation where people can pick products based on their merits rather than on a Microsoft monopoly. Please help contribute to an atmosphere which will foster innovation and development in this vital sector of the economy. Please reject the Microsoft settlement, because it will allow Microsoft to continue making a mockery of consumers, competition, and the computer industry.

Sincerely,
J.B. Nicholson-Owens
P.O. Box 2412
Station A
Champaign, IL 61825–2412

MTC–00027176

From:OldManFromSceneTwentyFive
To: Microsoft ATR
Date: 1/27/02 8:49pm
Subject: Microsoft Settlement

I am writing with respect United States v. Microsoft proposed settlement. As a student of technology, specifically Electrical and Computer Engineering, and an Open Source (GNU General Public License) advocate, I have a somewhat unique vantage point from which to analyize Microsoft's reign over the PC industry. When Microsoft's overpriced products are compared with open-source free products it becomes clear that something is wrong. The software that Microsoft offers, in terms of security, useability, and stability, is putrid. The situation is somewhat akin to rope and rats being processed into canned meats before regulations were passed. Unfortunately, simple regulations are not possible in this quickly evolving field. The only force capable of protecting the public is competition. Microsoft's monopoly is like no other. The nature of the electronic frontier allow many new ways for Microsoft to stifle competition, and as a result they will always be one step ahead of the law. This is why I believe much stronger action is required. I favor honorable judge Thomas Penfield Jackson's suggestion, 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.

Eric Innis (transient—earthworm@yahoo.com)

Faux Pas III <fauxpas@temp123.org> wrote:

Under the provisions of the Tunney act, American citizens have the right to comment on federal antitrust settlements such as DoJ vs Microsoft.

Information about the suit, including the text of the proposed settlement, are here:

http://www.usdoj.gov/atr/cases/ms—index.htm

To let the federal government know how you feel about the settlement, send mail here, subject 'Microsoft Settlement':

microsoft.atr@usdoj.gov

Inside sources say that responses received thus far have been overwhelmingly in favor of Microsoft, and have mostly come from Microsoft employees and others that the corporation has solicited to submit their opinions.

In case anybody cares, here's what I said.

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)

''give me my shoes, and Ill give you your eye.''

MTC–00027177

From: PCJorgensen
To: Microsoft ATR
Date: 1/27/02 8:48pm
Subject: Microsoft Settlement

To the Department of Justice:

I am still trying to figure out how Microsoft has hurt consumers by possibly costing us a few extra dollars for software. I have a choice in buying software, I didn't have a choice when I got locked into AOL's infamous 5.0. Three years ago, after going through several months of abysmal service from AOL, I decided to change to MSN. I found out the hard way that AOL 5.0 was set up so that I could not change my ISP to MSN. I was locked into AOL without my consent and AOL refused to do anything about the problems, except to tell me to ''just reload AOL and IE''. After the fifth or sixth run-through with AOL ''techs'', I gave up and bought another computer to make the change to MSN. MSN was a huge upgrade in service for half the price of AOL through my local Costco. That is consumer injury, not allowing us to make our own choices. I have heard of quite a few others who had the same problem when a family member innocently downloaded a ''free'' AOL diskette or CD and was locked into AOL. How many of AOL's millions of users are in the same situation? Once it's loaded, you are locked into it without some expensive tech work to change the mistake. AOL is still advertising their version 5.0 on some internet sites. Whatever the DOJ believes Microsoft overcharged me was peanuts compared to what AOL cost me.

AOL was one of the original complainers in the MSFT suit, now they are whining again that MSFT has damaged them in the ''browser wars''. In 1996 when I began on AOL, Netscape was part of AOL, but if you had problems with Netscape, you were out of luck. MSFT gave away IE and had good consumer help with any problems. Consumers who got fed up with Netscape chose IE, and the rest is history.

AOL is whining because they got stuck with a loser, but consumers have the right to choose the best product for them.

My husband and I scrimped and saved to buy Microsoft and other stocks over the last ten years as part of our retirement funds. We watched helplessly as our retirement funds dropped by the day as the Microsoft debacle went on, even crashing our employee IRAs. Washington Mutual Bank pulled a scam on our family that cost us over $65,000, then hid behind lawyers, legal jargon and a tiny loophole in the law. I have spent two years battling them to correct the problem with no success. Consumer protection by the DOJ? What a joke.

Patricia Jorgensen
3503 Alaska Road
Brier, WA 98036
(425) 481–7186
PCJorgensen@msn.com

MTC–00027178

From: David Nordgren
To: Microsoft ATR
Date: 1/27/02 8:54pm
Subject: Microsoft Settlement

Greetings,

I wish to voice my concern about the proposed settlement with Microsoft: Section III.A.2 does not prevent Microsoft from retaliating for personal computers shipped by OEMs with only a non-Microsoft operating system installed. This is a traditional non-competitive practice by Microsoft which unduly strengthens their position in the marketplace.

The judgement is behavioral only and does not offer punitive remedies.

As a citizen I am very concerned that corporations be subject to punishment for wrongdoing. In my view the anti-competitive behavior by Microsoft was quite significant and there should be proportionate punitive remedies.

Regards,
David Nordgren
9174 West Branch Road
Duluth, MN 55803

MTC–00027179

From: David Bednarczyk
To: Microsoft ATR
Date: 1/27/02 8:56pm
Subject: Microsoft Settlement

The proposed settlement is only going to give Microsoft another market to consume. The education market has been an Apple domain and still is a viable solution for educators. Microsoft ''donating'' PC hardware and software will only further their strong hold in the PC world. Microsoft should give money to the schools to be used for whatever technology is needed.

Thank you,
David Bednarczyk
Senior IT Manager
dbednarczyk@earthlink.net

MTC–00027180

From: Dale Pontius
To: Microsoft ATR
Date: 1/27/02 8:53pm
Subject: Microsoft Settlement

To Whom it my concern:

I am writing my comment on the proposed settlement of the United States vs Microsoft antitrust case, under the Tunny Act.

I do not believe the proposed settlement provides for any significant benefit to the consumer or improvement in the competitive landscape of the software industry.

Microsoft's past and present actions in monopoly maintenance and extension have two key bases: control of Standards such as Programming Interfaces and file formats, and preload agreements to have their Operating System installed on the vast majority of new PCs sold. I will address inadequaces of the proposed settlement on each point, in turn.

The issue of Interface Documentation should parallel cases of ATT and IBM, but it falls far short. First, by ''Interface'' I mean more than just the ''Windows API'' cited in the settlement. This should include not just ''Applications Program Interfaces'' (APIs), but ''Systems Programming Interfaces'' to enhance competition in middleware development, ''Wire Protocols'' to preserve competition in Internet, multimedia, and communications development, and ''File Formats'' to restore competition in Office software, as well as other areas.

To expand on the 'File Formats' for a moment, my neighbor was recently ''forced'' to purchase Microsoft Office, even though he prefers Word Perfect. He needs to exchange documents with colleagues, they use Microsoft Word. Word Perfect offers import/export abilities for Microsoft Word documents, but because the File Format changes subtly (and unnecessarily, for any reason other than anti-competition, according to some) with every release, it is impossible for any other company's product to interoperate correctly.

Standards are supposed to be stable, and allow interoperation. That was the effect of the antitrust actions against ATT and IBM. Telephone and computer interfaces were properly opened and documented, and certain amounts (6 months review) of stability inserted to allow competition. To me, Microsoft's ''use'' of standards seems akin to either malfeasance or misfeasance. Either they are wielding standards as a weapon, to hinder competitors, or they are terribly inept at crafting stable standards. In either case, it is dangerous and counterproductive to leave the situation as-is.

The proposed settlement seems oriented more toward allowing inspection of source code by corporate competitors, and makes numerous allowances for exclusion. To begin, merely inspecting source code can give insight, but is far from proper documentation. Second, in the PC Operating System marketplace, the only competitor Microsoft has is not a corporation at all, but a loose assortment of volunteer individuals. That the /only /significant PC OS competitor is based on volunteers and free software is telling, and the proposed remedy does nothing to assist this effort, rather it may well hinder it.

My second main basis of contention was preload agreements. If I buy a PC from a large manufacture, I essentially have no choice but to receive Windows. While a previous court decision outlawed per-CPU licensing, Microsoft was free to set contracts that essentially amounted to the same thing. They can also the discount rate (price below retail) to enforce their terms, because the profit margin is so small, and a good discount on Windows can make the difference between profit and loss. The PC manufacturer cannot refund my money, and nor will Microsoft. (because Microsoft's customer is the PC maker, not me.) So essentially, Microsoft has guaranteed income based on other companies'' production, also not based on their performance. What other company enjoys substantial income independent of their actions? How can /any company/ compete effectively with them?

For this problem, I would suggest the additional remedies: The cost of Windows must be itemized as part of the cost of the PC visible to the customer, and Microsoft must refund that cost upon request and suitable assurance that the Windows license has not been used by the customer.

Perhaps the customer needs a 'decline license' option upon first boot.

A final item related to this OS license issue. Microsoft must not force conditions upon PC manufacturers that will render PCs unbootable by any OS other than Windows. Microsoft already puts obstacles in the way of multi-booting Windows alongside other OSs, I've lived with them for years. At the very least, those obstacles cannot be allowed to become more onerous.

Thank you,
Dale Pontius
DEPontius@edgehp.nols.com

MTC–00027181

From: krckrc@mail.frii.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:56pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

One of the weaknesses I perceive in the proposed settlement is that does little to force Microsoft to open up its APIs, communications protocols, and file formats to allow interoperability between Microsoft and non-Microsoft software products. Do the complexity of the Microsoft interfaces whatever mechanisms used to enforce their openness must be proactive and penalties swift and sure in order to get the interfaces documented in a complete and timely manner. Microsoft should also be prevented from using patents on various aspects of its interfaces to limit their use by others.

Sincerely,
Kenneth Chaney
Fort Collins, Colorado
CC:krckrc@frii.com@inetgw

MTC–00027182

From: PCJorgensen

To: Microsoft ATR
Date: 1/27/02 8:55pm
Subject: Microsoft Settlement

To the Department of Justice:

Re: Microsoft Settlement I am John D. Jorgensen, a 36-year Boeing Aircraft Company employee, an Aeromachinist union steward and have had perfect attendance for 25 years.

Antitrust laws were written for the consumer, not competitors of companies! The only consideration the government has given is to Microsoft's competitors, leaving the consumer out in the cold. Microsoft has never done anything to damage me, AOL has damaged me severely. AOL ruined my computer with their 5.0 virus software so that I was unable to use any other service provider. AOL is a predatory monopoly.

They give away free CDs and diskettes, you load it into a computer and then you are locked into AOL.

Your system is ruined and in many cases the hard drive is also ruined. AOL is more expensive than other ISP's but you cannot use them. The government has sued the wrong company. They don't listen to the consumer.

The Department of Justice is doing the bidding of AOL/Time Warner, Oracle and Sun Microsystems in the name of saving the consumer a few dollars on software. The government has crashed the stock market, ruining working people's 401K's to the tune of six trillion dollars. The Justice Department should be ashamed. Read the case with an open mind, not through the eyes of Penfield Jackson. Why did he rule this way with no evidence? The Justice System has to protect the 18 states and their attorneys-general. I believe the constitution (Article 1, Section 10) will prevail in this one and we will have 18 bankrupt states, this is a very sad thought, when it should come back against AOL, Oracle and Sun.

It's absolutely appalling that a company like AOL should be allowed any input in this case. The government has let the AOL, Sun Microsystems and Oracle foxes into the hen house. The Justice Department also has an obligation under law to not damage Microsoft stockholders, most of whom do not work for Microsoft. Just the opposite has happened. The 18 states'' attorneys-general sensationalized the trial and did talk shows. Eighteen states have disgraced our monopoly justice system. They should have no say in this as they are a ''minority of states''.

I am very unhappy with the Justice Department and have lost confidence in the rule of law. I think the case against Microsoft should be dropped. Period. I have read everything written on the case, and this is a horrible miscarriage of justice.

Sincerely,
John D. Jorgensen
3503 Alaska Road
Brier, WA 98036
(425) 481–7186
PCJorgensen@msn.com

MTC–00027183

From: michaeljanet.mcauliffe @verizon.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:54pm
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,
Janet McAuliffe
11407 17th Pl. NE
Lake Stevens, WA 98258

MTC–00027184

From: Curtis A. Ridgeway
To: Microsoft ATR
Date: 1/27/02 8:57pm
Subject: Microsoft Settlement—Make Them Hurt

To Whom It May Concern,

Microsoft is unethical in its business practices and has shown no remorse. Nothing can be done to made them ethical.

—Make them provide source code to competitors to allow for for interoperation

—Make them provide internal software specifications to competitors.

I recommend MicroSoft be broken up into 2 or 3 parts to allow for competition just like what was done to the phone company.

A fine should be about $40 Billion real dollars (It must hurt):

Half for the companies they destroyed like Netscape and half as a fine to be paid to the IRS to offset everyone else's tax burden. It should not be software which is free to them and only increases their monopoly.

Microsoft should be forced to make a reliable product and provide free customer support.

Everyone suffers from their poor quality and system engineering practices. IBM is known as big blue. Windows is known for the ''Blue Screen'' of the computer crash.

Just my opinion,

Curt Ridgeway CC:ridgeway@cruzio.com@inetgw,logicace@pacbell.net@in...

MTC–00027185

From: Charles Aunger
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

January 17, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

At long last, this debacle of an antitrust trial between the government and Microsoft has sputtered to a settlement. While the settlement is weighed slightly against Microsoft, it at least has the advantage of ending the litigation.

This entire lawsuit was, I believe, grounded in much misinformation and misunderstanding. A company's ''dominance'' in any particular market does not necessarily mean that it has achieved that status through anything other than legal—albeit aggressive—means. I believe this to have always been true of Microsoft. Microsoft never manipulated the marketplace to force anyone to purchase its system. Rather, its pricing policies, its integration, and its reliability attracted most people to its product. This is enviable, not despicable.

When our government engages in a mission to ''level the playing field'' for all, there is the natural side effect of having to ''dumb down'' those that have been successful, and force them to either step aside, or give away their hard-earned successes to those less fortunate souls who are not as creative or as industrious. This attitude is reflected in the settlement. Microsoft is being forced to give up some of its source code to others in order to satisfy the government need to level the IT playing field.

While it is useless to object, I find that the settlement at least has the advantage of ending the contentious nature of the trial. For this reason alone, I find myself supporting it.

Sincerely,
Charles Aunger
Chief Technology Officer
PO BOX 470671, CELEBRATION, FLORIDA, 34747–0671
www.vhinternet.com, TEL: 407 709 6559 FAX: 407 650 2703

MTC–00027186

From: aty@mintaka.sdsu.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

I wanted to let you know I think the proposed settlement of the anti-trust action against Microsoft is entirely too lenient, considering the fact that their anti-competitive actions have been well documented and established in the courts.

I suggest the best action to take, for the benefit of the computing public, would be to force Microsoft to publish their source code. This would allow the numerous bugs in it, which Microsoft has shown little interest in fixing to be cleaned up by the many capable programmers. As an example of how effective this process can be, take a look at the Open Source industry, and the Linux operating system in particular.

—A. T. Young
(aty@mintaka.sdsu.edu)

MTC–00027187

From: Angela
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

Mrs. Angela M. Rasely
H.C. 1, Box 2055
Tannersville, PA 18372–9030
570–620–9508
arael@uplink.net
January 27, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you to show my support of the proposed settlement between the US Department of Justice and Microsoft. I feel this agreement is fair and that it is in the best interest of the people that this case comes to a final end. Budgets at the state and federal levels have been exhausted and we need our government to conserve resources.

Three years has been too long for this lawsuit to occur. I am happy to see that the terms of the settlement do not break up Microsoft. The concessions do not let Microsoft off easy as they will be forced to disclose for use by their competitors internal interfaces and protocols. They will also be forced to grant computer makers broad new rights to configure Windows so as to make it easier for competitors to promote their products.

So, although flawed, I support the settlement and ask your office to suppress opposition and make the settlement and reality. Thank you for your time.

Sincerely,
Angela Rasely
cc: Senator Rick Santorum

MTC–00027188

From: tom.crosby
To: Microsoft ATR
Date: 1/27/02 9:01pm
Subject: Microsoft Settlement

Please see attached.
January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, Apparently, the federal government defines ''success'' as meaning ''antitrust'' and seems to derive great satisfaction from misapplying this incorrect definition in order to destroy ''overly successful'' American companies such as Microsoft. It really is a shame, and I am very glad a settlement was reached that keeps Microsoft intact.

This is the second time I have seen the federal government go after a successful company. Unlike Microsoft Case, the company in the second case was small, very successful and growing very quickly. There was also a much larger company selling the same products, in the same market. Yet, because a competitor complained, the government argued that the company was a monopoly in the marketplace (defined to be the users of its equipment). Since the larger company was also very successful, growing rapidly, and could supply an alternative system, it is hard to understand the thinking in this case. In both cases, the real issue seems to be that there were mistakes made by management in their strategy and tactics in dealing with a competitor. Rather than admit they made these mistakes, they have decided to blame someone else for their failures and try to obtain additional rewards for their poor work.

Unfortunately, the litigation cost American taxpayers and the Companies untold millions of dollars to prove one thing: the government egregiously misapplied outdated antitrust law, written for nineteenth century smokestack industries, to 21st century technology innovation and business practices.

While the settlement may spare Microsoft from being broken up, it still applies stringent requirements that will substantially force it to change the way it conducts business. I will not list all of them, as I am sure you are familiar with the settlement. Microsoft agreeing to cede its source code for the Windows operating system to its competitors is unprecedented in an antitrust settlement, and ought to indicate the magnitude of this settlement

The High Technology Industry is an industry where prices go down every year and product functionality improves. I do not understand why the Government thinks this is harmful to consumers. If this settlement is done incorrectly, I think the consumer will end up paying more, especially for support. Support will become a disaster as more vendors add their software and do no integration testing with all the other vendors'' software. I hope you will close this case quickly and with the least possible damage to the computer end user.

Sincerely,
Thomas W. Crosby Jr.

MTC–00027189

From: Craig
To: Microsoft ATR
Date: 1/28/02 1:02pm
Subject: Microsoft Settlement

Microsoft has for years used illegal and unethical means to secure a monopoly in the computing industry.

As I understand the workings of anti-trust law, this calls for (among other things) divestiture of all profits made from the illegal activities.

The proposed school settlement plan brought forth by MS and the DOJ, would be a reward rather than a punishment. This settlement would allow Microsoft to extend it's monopoly into one of the few areas it has been unable to penetrate through it's normal, devious devices.

The proposed settlement also, simply put, does little to insure future compliance with the law, as it has far too many loopholes and lacks harsh enough penalties, if they violate it or other anti-trust laws in the future.

I would submit that this is the time to send a message to industry that, crime doesn't pay. The only way to accomplish this is through large fines, which would take away all the profits they have made from their illegal activities.

The only way to insure against future infractions, would be to include a ''Crown Jewel'' clause, such as disclosure of their source code, or forcing them to re-license it under the GPL.

I further submit that the arrogance and contempt shown by MS throughout the previous proceedings... the very thing that drove the original judge to distraction, should be considered heavily in this matter. Gates and Company have shown nothing but contempt, for our legal system, for the free enterprise system, for the computer field, for our government and for their customers.

I beg you to do something that will actually have an affect on MS... not just give them a slap on the wrist.

MTC–00027190

From: Lois M. Russell
To: Microsoft ATR
Date: 1/27/02 9:02pm
Subject: Microsoft Settlement

Gentlemen:

It is my judgment that the proposed Microsoft compromise settlement as worked out will be beneficial to all users and want to add my support to the settlement. I understand some competitors are fighting this settlement, but it seems to me this matter has dragged on long enough and should be brought to a speedy conclusion now that a settlement has been agreed upon.

I hope you are able to complete this matter swiftly.

Lois M. Russell

MTC–00027191

From: Alan E.
To: Microsoft ATR
Date: 1/27/02 9:03pm
Subject: Microsoft Settlement

Microsoft has forged the path to the future in the computer industry, giving us quality products at an affordable price. Because of Bill Gates, even those who would destroy Microsoft are able to successfully operate computers. Microsoft's competition has faltered for one reason: Microsoft is the best. The government's assault against our nation's finest businessman is a travesty and an affront to the concept of liberty.

Alan Edwards

MTC–00027192

From: Ahearncj@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:03pm
Subject: Microsoft Settlement

We are strongly against the state of Florida and other states pursuing litigation against Microsoft.

The outcome of this action will only be incompatible with the interests of consumers of Microsoft products. The main consequence, we believe, will be in the development of inferior products that cost more and do less.

Additionally, Microsoft needs to be remunerated for its innovative product rather than being punished by giving away information to competitors. An immediate settlement with Microsoft, without further costly litigation, is in the consumers interest rather than pumping up the CV's of the various Justice Department members.

James P. Ahearn, M.D.
Carol M. Ahearn

MTC–00027193

From: Richard Forno
To: Microsoft ATR
Date: 1/27/02 9:02pm
Subject: Microsoft Settlement

CC: rforno@infowarrior.org@inetgw

I write to comment on the proposed settlement between the US Department of Justice and Microsoft (the Proposal). I believe that the Proposal makes progress in the right direction, but does not go far enough.

For the record, I am the Chief Technology Officer for a Dulles, VA information security firm that works closely with the US national security community. I am the former Chief Security Officer for Network Solutions, Inc. (acquired in June 2000 by VeriSign) and have held other information security positions in the United States government, including the US House of Representatives.

I am the co-author of ''The Art of Information Warfare (1999) and ''Incident Response'' (2001) and pen a recurring column on information security topics at Securityfocus.Com. Further, several of my security-oriented whitepapers are available at my personal website, Infowarrior.org. I am also a frequent conference presenter and an adjunct lecturer at the American University, and conduct recurring lectures at the National Defense University in Washington, DC.

I wish to thank Paul Johnson for his invaluable assistance in drafting many of the following paragraphs, which voice the comments of many others in my profession.

I strongly urge an appropriate outcome that favors the computing community and not the proprietary and profiteering needs of a proven monopoly.

Is/

Richard F. Forno

Chief Technology Officer

Dulles, Virginia Security Firm

www.infowarrior.org (personal site)

rforno@infowarrior.org

Summary of Key Issues

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.

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.

The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Microsoft's Position

Microsoft currently holds a dominant position in the computer software industry, and as I shall show below it maintains this position through control of proprietary interfaces.

Over the past decade Microsoft has repeatedly demonstrated a willingness to evade or ignore regulations aimed at curbing its monopoly power. There is no reason to expect this behaviour to change. Therefore any effective remedy must be drafted to block not only the past misdeeds of Microsoft but any it might devise in the future. The rules under which Microsoft is to operate must be unambiguous and, as far as possible, free from the need to make value judgments as to whether Microsoft has fulfilled its obligations sufficiently. Any such judgments will may be used as delaying tactics by Microsoft.

Product Tying

The current case was originally concerned with the alleged tying of Microsoft Internet Explorer with Windows 95, in violation of anti-trust law. However the list of features which users expect to find in an operating system has evolved over time, and continues to do so. A previous example concerns ''disk defragmenters'', which optimize the arrangement of data on a disk in order to speed up access. Before Windows 95 these programs were sold separately by competitors to Microsoft. When Windows 95 was released it included a disk defragmenter. The competing companies could no longer sell their existing products, but there was no public outcry because disk defragmentation is generally considered to be a function of the operating system.

Suppose that ten years ago Microsoft had been effectively prevented from adding new features to Windows: today a modern PC would have to include a dozen or more small packages of software which would be more economically produced and sold as a single product. Computer vendors would have to purchase and integrate all of these small packages, and buyers would have to cope with a bewildering checklist of small but important items that they would have to ensure their computer included.

Thus a fair and effective remedy cannot enjoin Microsoft from ever bundling new functionality in its products, even when a market for that functionality already exists in third party products.

The Proposal also sets rules for the related issue of the ''Desktop''.

This properly prevents Microsoft from ensuring that its products are more prominent on the desktop than those of its competitors. Such user interface concerns are important, but are not the subject of this note.

Interfaces

The Proposal concentrates on the ''Application Programmer Interfaces'' (APIs) to Microsoft ''Middleware'' (a vaguely defined term, roughly meaning software that sits between the operating system and the applications employed by end users).

The Proposal is right to concentrate on interfaces. Microsoft has always used proprietary interfaces to manipulate the market and lock out competition. To illustrate how this works, suppose Microsoft sells products Foo and Bar which communicate via a proprietary interface. I purchase Foo, and subsequently want the added functionality of Bar. There may be many competitors in the market for Bar, but they are effectively excluded from my consideration because their products cannot communicate with Foo.

Similarly if copies of Foo communicate with each other through a proprietary interface then anyone wishing to work with me must also purchase a copy of Foo. This creates a ''network externality'' which ensures that, even in a competitive market, the best option for an individual consumer is the product with the largest market share, since this brings them into the largest population of potential collaborators.

By creating a web of proprietary interfaces, both between products and between its customers, Microsoft has ensured that it is locked into its market in a way that has never before been possible. It is this stranglehold on the market for software that must be broken. Since Microsoft has used its control of proprietary interfaces to achieve this, it is on interfaces that any effective remedy must concentrate. The focus of the Proposal on ''middleware'' is misguided. It excludes applications and operating systems, which are the two areas where the monopoly power of Microsoft most needs to be restricted. Furthermore its vague definition creates too much opportunity for Microsoft to redefine critical interfaces as something other than ''middleware'', leading at best to argument and delay.

Examples

It is worth looking at two of these interfaces to see how they lock Microsoft into the market.

Microsoft Office is the leading ''office productivity suite''. There are competitors, but they are critically hampered because their users cannot reliably exchange documents with MS office users. Some degree of inter-operability does exist, but this has been enabled by painstaking ''reverse engineering'': the competitor can only learn about document formats by inspecting the files created by Office and trying to deduce how each part of the document is encoded in the file. This process is expensive and error-prone, and Microsoft can always introduce new features faster than they can be reverse engineered. As a result no existing competitor to Office can reliably import a complex document. Consumers know this, and therefore avoid these competitors. This prevents the competitors from gaining market share, no matter how good their products might otherwise be.

The Kerberos security protocol was developed by MIT and has now become an important component of many systems. Microsoft included Kerberos support in Windows 2000, but with a small change. Kerberos is an ''authentication'' protocol: it guarantees that the parties to a transaction are who they say they are. Microsoft added authorization data to the protocol. This meant that Windows 2000 would only grant access to shared files and printers if the Kerberos ''ticket'' presented by the user had been issued by a Windows 2000 server. This appears to have been an attempt to lock competitors (including the freely available MIT server) out of the market for Kerberos

authentication products. In response to a public outcry within the computer industry Microsoft first insisted that the format of its extra data was a trade secret, and then released the data on its web site under a ''click-through'' license under which the recipient promised to keep its contents a secret. I will return to this strange license later in the section on Open Source Software.

The net effect of this web of proprietary interfaces is to make any mix of Microsoft and competing products less functional than a pure Microsoft solution. A pure non-Microsoft solution is not usually possible, either because Microsoft has driven the competition into the ground or because there is a need to communicate with others who are using Microsoft. Hence the only choice is between a pure Microsoft solution and a mix. In a world which is dominated by Microsoft there can only be level competition if the interfaces to Microsoft software are equally open to all competitors.

Files, Protocols and APIs

There are three types of interface which an effective remedy must address: files, network protocols, and APIs.

Files stored on disk are an important repository of value for any computer user. The ability to read this data and exchange it with others is the most important requirement for any new software.

Therefore Microsoft should be required to disclose the file formats for all its software. This will enable competitors to create software which reliably works with files created by Microsoft software. The main immediate effect of this will be to enable competitors of Microsoft Office to compete on a level playing field. In the longer term it will prevent Microsoft from using the proprietary file format of any popular application to Gain a monopoly position through market lock-in.

Similarly, protocols used to communicate over networks should be opened up. The Kerberos example above illustrates how even seemingly minor proprietary extensions can create strong market lock-in. As the Internet becomes increasingly important so the use of proprietary protocols will become an important method for Microsoft to maintain its monopoly position unless it is stopped.

APIs are a much more complicated issue than files and protocols. For every file format or network protocol used by Microsoft there are thousands of ''function calls'', the basic element of APIs. Function calls are used both within a single product and between products.

There is no simple way to distinguish the function calls which are made within a product and those made between products unless the products in question are designed to work separately as well as together. Microsoft has already used this fact to obfuscate the question of whether Internet Explorer is intrinsically integrated with Windows 95. It can be expected to use this tactic again in the future. Since it is not feasible to use product tying rules to prevent this (see above), I suggest that Microsoft be required to identify every API which is used to communicate between software in two different products, and disclose that API in full. The smallest unit of ''API'' to be disclosed should be the ''DLL'' (Dynamically Linked library). In Windows a DLL is a single file which provides collection of functions to other software. Making DLLs atomic for disclosure purposes will encourage Microsoft to keep the APIs for communication between products distinct from the APIs within products, thereby reducing the work required by competitors who wish to offer competing products which offer the same APIs.

Disclosure Mechanisms

Detail

The Proposal has nothing to say about what level of detail will be included in the interface descriptions. This issue is not trivial.

For programmers, the ultimate description of what a function within an API does is the source code which implements that function, which leads programmers to say ''use the Source, Luke'' when when with a detailed technical query about a piece of software.

However the inspection of source code is not always practical, either because the code in question is proprietary (as in this case), or just because it would take too long to understand. Hence developers routinely produce documentation which describes the functions in an API in a more readable form.

The Proposal seems to envisage this kind of documentation being made publicly available. However there does not appear to be any incentive to Microsoft to make this documentation complete or accurate, other than enforcement by the courts. Since this kind of document can never be 100% complete or accurate the question will arise as to whether it is good enough. If Microsoft acts true to form it will inevitably argue that its documentation is indeed good enough, and will carry on arguing this until it becomes a moot point.

To avoid this problem I suggest that Microsoft be required to erect ''Chinese walls'' between the development groups working on different products. Only published documentation may be exchanged between these groups. Hence if Microsoft wishes to sell two products which work together it can only do so if it also informs its competitors how to make products which will can work just as effectively.

The remaining problem on detail is the file formats and protocols used when one copy of a product communicates with other copies of the same product. The Chinese wall system will not work here. However since this problem is restricted to file formats and protocols the problem of ensuring the adequacy of documentation is much smaller.

Established techniques (such as BNF grammars and state machines) can completely describe file formats and protocols, and these can be used as the basis of an unarguable technical finding that either the software or the documentation is defective. This is not a complete solution to the problem, but it should level the playing field sufficiently to allow competition.

Publication and Open Source

Since this case started Open Source Software (OSS), such as the Linux operating system, has become a significant competitor to Microsoft. Therefore any effective remedy must take account of the special requirements of OSS development over normal commercial software development. The primary issues here are costs, trade secrets, and patents.

Costs:

Whatever disclosure mechanism is chosen for interface descriptions, it must be within the financial reach of open source developers. A subscription of several hundred dollars a year, such as is required for the Microsoft Developer Network, is trivial for a competing software company but a major hurdle for a volunteer developer working on OSS. Given that interface descriptions must be prepared for competitors, there is no reason why they should not be distributed for free over the web rather than only made available to an exclusive club.

Trade Secrets:

Microsoft must not be allowed to pretend that these interface descriptions are trade secrets, as it tried to do with its extension to Kerberos. Because OSS packages include the full source code they inevitably reveal the full details of their operation to any programmer who downloads them. If Microsoft can claim trade secret status on an interface it can effectively block any OSS package from using that interface, since to do so would reveal the ''secret'' of its operation.

Patents:

Microsoft has not made much use of patents to protect its market, preferring to rely on proprietary interfaces. However if it is prevented from using proprietary interfaces it may decide to use patented ones instead.

When Microsoft next introduces a new interface, especially a network protocol, it would be a simple matter to obtain a patent covering the operation of that interface. At that point any competitor wishing to inter-operate with Microsoft products using that interface would have to license it from Microsoft. The usual solution in such situations is to require licenses on ''Reasonable And Non-Discriminatory'' (RAND) terms. However even RAND terms require payment. OSS developers are unable to offer payment.

Therefore the Remedy should require Microsoft to license its patents on RAND terms to commercial software vendors and on Royalty Free terms to Open Source projects.

Incidentally, Microsoft has described OSS as ''un-American'' and ''an intellectual property destroyer''. These descriptions try to tar OSS developers with the same brush as software pirates. This is incorrect. Software pirates selfishly take the work of others and use it without paying. OSS developers take their own work and permit others to use it for free. This is a wholly generous act, fully in keeping with the American ideals of volunteerism and service to one's community.

Security Details

The Proposal includes a broad exception for ''security related'' information. However Microsoft could argue that almost any interface, especially APIs and communication protocols, is ''security related'' if it is used to carry any kind of authorization or authentication information. Indeed, it made exactly this argument when it initially refused to reveal its extensions to

Kerberos. Therefore the exception for security related information must be narrowly drawn.

Fortunately this is not a major problem. It is a basic principle of computer security that would-be intruders will eventually learn the operational details of your security mechanism, either by reverse engineering or by other less legitimate means. Any security which depends on the intruders remaining ignorant of these details is known as ''security through obscurity'', and regarded by security practitioners as inadequate at best. Therefore the only items which should need to be kept secure are the keys or passwords which operate the software. These can be easily changed if they are compromised.

Hence if security interfaces are well designed then they will not need to be kept secret. And if they are not well designed then Microsoft should be required to remedy the fault rather than keep this fact secret.

Conclusion

The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form them the result will be no change to the behaviour of Microsoft, and yet another prolonged court case in another five or ten years.

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.

As a final note, I would like to close with the same advice I give to my clients in the United States government regarding Microsoft products: Use at your own risk—if the technical problems with these products (security and stability) don't give you reason for concern, the inability to escape to an alternative is an even harsher problem to contend with. Microsoft's products and business strategies have, and continue to be, a clear and present danger to the security of our national information infrastructures. It is my hope that this legal action will be one that is not only beneficial to the technology economy but our national information security posture as well.

Richard F. Forno
Chief Technology officer
Dulles, Virginia Security Firm
www.infowarrior.org (personal site)
rforno@infowarrior.org

MTC–00027195

From: eas884@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:03pm
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,
Elizabeth Slaughter
1228 W. Lincoln Ave
Albany, GA 31707

MTC–00027196

From: PETEOCEANSIDE@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:07pm
Subject: Microsoft Settlement

I sure hope that our Government does not hinder Microsoft when this case is finally settled. I resent the fact that a successful business can be seen as a threat to anyone.

I use their products and enjoy them immensely.

I believe that the Government should leave Mocrosoft alone to run their successful business without outside interference.

Thank you,
Pete O'Neill
3169 Trinity Street
Oceanside, New York 11572
e-mail PETEOCEANSIDE@aol.com
CC:activism@moraldefense.com@inetgw

MTC–00027197

From: Hal Stone
To: Microsoft ATR
Date: 1/27/02 9:08pm
Subject:
CC:
fin@mobilizationoffice.com@inetgw
7024 Augusta National
Fayetteville, PA 17222–9418
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a person who has been in the technology industry for some time (I was first involved with Univac I Serial number 1) I was disappointed to see the government bring suit against Microsoft. I am however happy with the settlement that was reached and I hope it is well accepted by all parties, including those states that still refuse to settle.

The settlement, that has been fairly mediated over three years, is equitable to all parties. It also answers many of the problems brought forth by Microsoft's competitors and resolves them fairly. For example, I think it is demonstrative of Microsoft's good intentions that it agreed to be monitored by a three-person Technical Committee, and open up its intellectual property in the internal interfaces of its Windows operating system programs to its competitors.

I have used numerous Microsoft products for about 20 years and have found them innovative and productive for even casual users. The cost of these products has dropped considerably during the years of my use. To discourage this kind of innovation is detrimental to users as well as others that would work hard to create other such products. The harassment of this company has, in my opinion been bad for our country, possibly even the world economy.

Responsible controls are important, of course. But extreme control is detrimental to the best interests of an average computer user.

I am grateful that you would take the time to consider my thoughts on this matter. Please use them, as well as those from all the other Microsoft supporters to work out what is in the public's best interest.

Sincerely,
Hal Stone
cc: Senator Rick Santorum

MTC–00027198

From: jmf66@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:13pm
Subject: Micro-soft Settlement

I strongly endorse Mary Martin's letter < SENIOR COALITATION PRESIDENt it's time for all of us to Unite in this 6reat country o f ours and quit acting like a bunch of ILLITERATES; we need to get this country's economy back on track and get on with tihe order of the day.

There will always be some want something for nothing, and will do anything to get it. The Justice is needed Now''. Thank you for giving me the opportunity to express myself.

JKOHN MILLER
e-mail addrress jmf66@juno.com

MTC–00027199

From: JOYCE E BLANKENSHIP
To: Microsoft ATR
Date: 1/27/02 9:13pm
Subject: Re: Microsoft Settlement

To Whom It May Concern:

I would like to urge the Justice Department to stop the litigation against Microsoft. I think the settlement is fair to everyone except of course, Microsoft itself. I personally use Microsoft Windows and Microsoft Word and other programs. I am 79 years old and have found these programs easy to learn and to use. I would not be interested at all in changing to other programs.

Please stop the litigation. Thank you.
Joyce E. Blankenship
1593 Manor Drive
Salem, Ohio 44460

MTC–00027200

From: Cghort@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wish to express my satisfaction and agreement with the Attorney General's decision to end the Justice Department's antitrust lawsuit againsy Microsoft.

It is my understanding the agreement to do so was arrived at after extensive negotiations with a court-appointed mediator.

It is also my understanding Microsoft has agreed to license its Windows operating system products to the twenty largest computer makers on identical terms and

conditions including price, and to document and disclose for use by its competitors, various interfaces that are internal to Windows'' operating system products.

It doesn't seem there should be a need for any future lawsuits against Microsoft. The company has already compromised considerably in this suit and should not be distracted from innovation and progress any longer.

Sincerely,
C. G. Horton

MTC–00027201

From: KatherinX@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:15pm
Subject: Microsoft Settlement

As the Government nears the decision phase of the Microsoft Settlement in the Anti-Trust case against Bill Gates, I would like to add my comments as a United States Citizen and tax payer.

It is my firm conviction that the entire case against Microsoft has been ill advised and a total waste of tax payer dollars. Bill Gates and his company has revolutioned the world, in the footsteps of Alexander G Bell nd Thomas Edison. Rather than punish him and his employees, he deserves a monument in Washington DC. His innovations and foresight have brought the computer age to to virtually every American. His business practices have not broken rational laws. He exercised his Freedom as a Capitalist. Has this nation forgotten the principles upon which it was founded? Are we to forever continue to apolgize for creating a society which the entire population of the planet wishes it could emulate, with the minor excetion of some religious fanatics bent upon destroying the very thing that represents life as we know it?

Has not the horrific attack on the American way of life on Sept 11 not shown every thinking person that we must defend the Capitalist sytem and not destroy ourselves?

Bill Gates deserves our gratitide, not a vindictive lawsuit and punishment designed to gratify the sour grapes of those who could achieve or even conceive of his accomplishments.

Please use your authority to dismiss all pending charges, and allow Mr. Gates to continue to strengthen our economy and boost our standing in the world arena. As the United States faces an ever increasing rise of hostility from those who seek our destruction, and those to evil to care, it is imperative to prove to the world that Capitalism is the only valid and rational form of economics and a desirable one to follow. By allowing Bill Gates and Microsoft to continue as a viable enterprise, you will show the world we stand by our convictions.

MTC–00027202

From: Nan Cummins
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Settlement

The settlement as stated is fair to all and should be excepted as is. Jealous competitors, (who started this whole problem) and others, are trying to undermine the settlement. This should not be aloud to happen. I urge you not to let this happen. Settle this NOW!!! Let Microsoft do what it does best.

Sincerely
Nan Cummins

MTC–00027203

From: Daniel Kruse
To: Microsoft ATR
Date: 1/27/02 9:15pm
Subject: Microsoft Settlement

I, under no circumstances, call this ''settlement'' a settlement. If anything, it'll make Microsoft an even more powerful monopoly. This ''settlement'' is a joke and a sham. I do not agree with this settlement!

Daniel Lee Kruse

MTC–00027204

From: reg@casten.org@inetgw
To: Microsoft ATR
Date: 1/27/02 9:18pm
Subject: Microsoft Settlement

As a computer user who regularly needs to communicate with computers running a Microsoft operating system, the wording of this judgement causes me great concern. Microsoft certainly should not be allowed to use its predominant position in the operating system market to close the lines of communication to other software.

The following is quoted from an article by Robert Cringely, Dec. 6, 2001, and it describes loopholes Microsoft could use to shut out the free software community:

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 M icrosoft for certifying the authenticity and viability of its business, ...'' Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' ...

Brian J. Casten
reg@casten.org

MTC–00027205

From: jimlou2@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:17pm
Subject: Microsoft Settlement

Dear Sir,

Please end the Microsoft lawsuit and settle the case. I firmly beleive that Microsoft has been a tremendous boon to the economy and I have benefitted greatly from their technology and products. I want to see the case settled immediately in order for our economy to begin a comeback.

Thank you.
James E. McMillen
3368 Corsica Way
Oceanside, CA 92056
760–435–9200

MTC–00027206

From: Matt B.
To: Microsoft ATR
Date: 1/27/02 9:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

As you have most likely already heard, the Microsoft settlement is too lax against Microsoft. It cannot be properly enforced.

To remedy this, I would suggest breaking Microsoft up into three companies: Windows Inc. (operating system), Microsoft (software), and Web. This would prevent MS from taking over all three markets.

MTC–00027207

From: Dixon Teter
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Microsoft Settlement

1/27/02
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Sirs:

I sincerely hope that the Department of Justice will not allow AOL's recently filed suit against Microsoft to delay the ending of that travesty.

As a consumer I greatly enjoy using the superior products that Microsoft offers. The fact that they have had to waste hundreds of millions of dollars fighting to retain their own property has cost me personally.

By Microsoft not being able to use that money for growth and product development I have been unfairly denied access to better and less expensive products.

I have been denied that by this suit. This suit was brought neither by the millions of satisfied Microsoft customers, nor by their vendors. It was brought by failing competitors. AOL is not a failing competitor of Microsoft's, quite the contrary, they have the dominant market share to Microsoft's small minority slice.

But, AOL is failing. Their suit is only a ploy to distract from their own failings. It is also a clear attempt to become another parasite itching to feast off of Microsoft's success.

This is America. isn't it? Don't we stand for free trade and freedom—not ''beat your ''competition with dirty politics'', ? The United States government is there to protect private property, isn't it? Where are Microsoft's private property protections? Why am I being penalized because some other company has run crying to ''Big Mother'' rather than standing up and trying to win fairly?

AOL must not be allowed to do this. Please restore the full faith and trust in the Department of Justice by dismissing not only AOL's frivilous and groundless suit, but also and more importantly, the one against Microsoft.

Sincerely,
Dixon Teter, Ph.D.

MTC–00027208

From: sysadmin
To: Microsoft ATR
Date: 1/27/02 9:21pm
Subject: Microsoft is a blackhole

I feel that any settlement the DOJ makes with Microsoft will cause more harm than good. Microsoft should be forced to take full responsibility for the monopolistic blackhole they have created.

Since Microsoft has embarked on a disinformation campaign, many people feel

that Microsoft is the only software company. This is not true.

There are many alternatives that could fill the void if Microsoft were to fail. More specifically, there is Sun Microsystems, Apple, IBM, and and many Linux companies.

Bill Gates will argue that his company is helping create standards of quality. This statement follows hundreds of security holes, thousands of bugs, and the technical documents that label Widows as the most unstable OS.

Microsoft sucks up everything in its wake. Currently, Microsoft has been attacking the Open Source movement. According to Microsoft, the Opensource movement (more specifically the GPL) is a cancer. They call it a cancer because they can not control it. Normally, Microsoft would purchase any competing idea and store it away. They store every bit of creativity the software industry has. If anything it is Microsoft, that is the cancer. It should be removed.

Your's truely,

Thedore Knab
Systems Engineer [UNIX]
Washington College
300 Washington College
Chestertown, MD 21620
Office: 410–810–7419
Fax: 410–778–7830
email: ted.knab@washcoll.edu

MTC–00027209

From: Einer Elhauge
To: Microsoft ATR
Date: 1/27/02 9:20pm
Subject: To Renata Hesse,

To Renata Hesse,

Please find my Tunney Act comments attached.

Sincerely,

Einer Elhauge
Professor of Law
Harvard Law School
1575 Massachusetts Ave.
Cambridge, MA 0213 8
TEL: 617–496–0860
FAX: 617–496–0861
EMAIL: elhauge@law.harvard.edu

UNITED STATES v. MICROSOFT, No. 98–1232 (CKK)

TUNNEY ACT COMMENTS OF PROFESSOR EINER ELHAUGE ON THE PROPOSED SETTLEMENT BETWEEN THE UNITED STATES AND MICROSOFT

I have been a strong supporter of the Bush Administration and its Antitrust Division.

But I am also a strong supporter of the Court of Appeals decision in this case,[1] and even if I were not, the legal conclusions and factual findings sustained in that opinion must be treated as authoritative for this Tunney Act proceeding. In my view, it would set a terrible precedent contrary to the public interest if a unanimous en banc opinion that found the most important firm in our economy committed repeated serious antitrust violations lacking any procompetitive or technological justification, as the opinion here did, received only the largely meaningless enforcement provided by the proposed settlement between Microsoft and the United States?

I submit this Tunney Act comment as a professor of antitrust law and because of my interest in the proper development of antitrust law. I have not been paid by anyone else to work on the Microsoft case, and do not submit this comment on behalf of any other party. I am instead submitting this filing pro bono, on behalf of the public interest. I am a Professor of Law at Harvard Law School, where I teach antitrust law, but submit these comments in my personal capacity, and the views expressed here are not offered on behalf of, nor intended to express the views of, Harvard University.

The key finding of the district court, which I think has not received enough attention, is that, to foreclose its rivals, Microsoft engaged in technological bundling of other software into its operating system that not only had no procompetitive or technological justification,[3] but actually worsened the technological performance of its own products. The district court found Microsoft''s technological integration made its product work more slowly:

''[A]ccording to several standard programs used by Microsoft to measure system performance, the removal of Internet Explorer by the prototype program slightly improves the overall speed of Windows 98. Given Microsoft's special knowledge of its own products, the company is readily able to produce an improved implementation of the concept illustrated by Felten's prototype removal program. In particular, Microsoft can easily identify browsing-specific code that could be removed from shared files, thereby reducing the operating system's memory and hard disk requirements and obtaining performance improvements even beyond those achieved by Felten.'' [4] Nor was this reduction in speed compensated for by increased stability or security.

To the contrary, the district court found that Microsoft's technological bundling made its operating system both more prone to crashing and more susceptible to virus infections.

''Microsoft has harmed even those consumers who desire to use Internet Explorer, and no other browser, with Windows 98. To the extent that browsing-specific routines have been commingled with operating system routines to a greater degree than is necessary to provide any consumer benefit, Microsoft has unjustifiably jeopardized the stability and security of the operating system. Specifically, it has increased the likelihood that a browser crash will cause the entire system to crash and made it easier for malicious viruses that penetrate the system via Internet Explorer to infect non-browsing parts of the system.'' [5]

A fortiori, the district court found that those who did not want Internet Explorer suffered worsened technological performance from Microsoft's bundling because they were saddled with ''an operating system that runs more slowly than if Microsoft had not interspersed browsing-specific routines throughout various files containing routines relied upon by the operating system'' and that meant ''performance degradation, increased risk of incompatibilities, and the introduction of bugs.'' [6]

The district court also found that, in addition to conferring no technological benefit on its own products, Microsoft's bundling degraded the technological performance of rival products. The court concluded that Microsoft's:

''actions forced OEMs either to ignore consumer preferences for Navigator or to give them a Hobson's choice of both browser products at the cost of increased confusion, degraded system performance, and restricted memory.

Microsoft forced those consumers who otherwise would have elected Navigator as their browser to either pay a substantial price (in the forms of downloading, installation, confusion, degraded system performance, and diminished memory capacity) or content themselves with Internet Explorer.

None of these actions had pro-competitive justifications.''[7]

Microsoft was further found guilty of other technological manipulation that inflicted technological degradation on other products.

''Microsoft went beyond encouraging ICPs [Internet Content Providers] to take advantage of innovations in Microsoft's technology, explicitly requiring them to ensure that their content appeared degraded when viewed with Navigator rather than Internet Explorer'' [8]

Indeed, the district court even found that Microsoft engaged in efforts that resulted in technological degradation for software users generally.

''Finally, by pressuring Intel to drop the development of platform-level NSP software, and otherwise to cut back on its software development efforts, Microsoft deprived consumers of software innovation that they very well may have found valuable, had the innovation been allowed to reach the marketplace. None of these actions had pro-competitive justifications.'' [9]

The findings that, to foreclose rivals, Microsoft engaged in technological integration that had no procompetitive or technological justification were fully vindicated by the Court of Appeals. That Court concluded:

''Microsoft proffers no justification for two of the three challenged actions that it took in integrating IE into Windows—excluding IE from the Add/Remove Programs utility and commingling browser and operating system code.

Although Microsoft does make some general claims regarding the benefits of integrating the browser and the operating system, it neither specifies nor substantiates those claims. Nor does it argue that either excluding IE from the Add/Remove Programs

[1] See Elhauge, ''Competition Wins in Court,'' New York Times, (June 30, 200l).

[2] The points addressed in this memo apply both to the initial proposed settlement, and the revised proposed settlement to which nine states have agreed.

[3] United States v. Microsoft, 84 F.Supp.2d 9, 53–58 (D.DC 1999).

[4] Id. at 54 (emphasis added).

[5] Id. at 53 (emphasis added).

[6] Id. (emphasis added).

[7] Id. at 111.

[8] Id. at 91.

[9] Id. at 11.

utility or commingling code achieves any integrative benefit .... Microsoft failed to meet its burden of showing that its conduct serves a purpose other than protecting its operating system monopoly.''[10]

Further, the Court of Appeals also repeatedly found that Microsoft engaged in a series of other anticompetitive acts that foreclosed the freedom to choose the best technology and had no procompetitive justification or technological benefit whatsoever. The Court of Appeals found that Microsoft's primary justification for its exclusive contracts with Original Equipment Manufacturers ''borders upon the frivolous,'' and that with one narrow exception, ''all the OEM license restrictions at issue represent uses of Microsoft's market power to protect its monopoly, unredeemed by any legitimate justification.''[11] The Court of Appeals similarly found that Microsoft'' s exclusive contracts with Internet Access Providers had no procompetitive justification,[12] that ''Microsoft . . . offered no procompetitive justification for its exclusive dealing arrangements with the ISVs [Independent Software Vendors],''[13] that ''Microsoft offers no procompetitive justification for the exclusive dealing arrangement'' with Apple,[14] and that ''Microsoft offered no procompetitive justification for the default clause that made the First Wave Agreements exclusive as a practical matter.''[15] The Court of Appeals also found that: ''Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and . . . Microsoft offers no procompetitive explanation for its campaign to deceive developers.''[16] Finally, the Court of Appeals found: ''Microsoft does not ... offer any procompetitive justification for pressuring Intel not to support cross-platform Java.''[17]

True, the Court of Appeals did not specifically pass on the district court's findings that in fact Microsoft's efforts at technological and nontechnological foreclosure had adverse technological effects on the performance of its own products. But the Court of Appeals statements repeatedly sustaining the district court findings that Microsoft'' s whatsoever imply approval of those more specific findings as well. In any event, none of the district court findings that Microsoft's efforts at technological and nontechnological foreclosure had adverse technological effects was reversed as clearly erroneous by the Court of Appeals, and thus each of them remains the binding law of the case.[18]

These prior findings cannot be second-guessed at this stage, and frame the Tunney Act question. The Court of Appeals decision is authoritative on lower courts, and all prior district court findings of fact that were not reversed by the Court of Appeals are also binding under the law of the case. Nor would a Tunney Act proceeding be an appropriate forum for second-guessing the accuracy of the findings in prior opinions since such a proceeding does not purport to redo the fact finding process. To be sure, neither the Court of Appeals nor the prior district court judge ever reviewed the proposed settlement or made any Tunney Act ruling about whether it was in the public interest. But my point is not that these prior findings settle the Tunney Act question. My point is rather that any Tunney Act ruling must assume the correctness of these findings.

Further, this is not a typical case of settlement proposed before trial or appeal, where the court conducting a Tunney Act proceeding has reason to defer to government authorities on the uncertainties and costs of securing and defending a judgment of liability. Here, the trial and appeal are already over, and the findings and judgments have already been secured and successfully defended. Nor is this anything like an earlier Microsoft Tunney Act proceeding, where the judge that disapproved a proposed settlement was reversed for relying on facts he read in a book but the government's complaint never alleged and were never tested by the adversary process and appeal.[19] Here the relevant facts were alleged by the Department of Justice, found true in an adversary proceeding, and sustained by an en banc court of appeals. Thus the Tunney Act question before this court should properly be framed as follows.

Given an antitrust defendant that has been found repeatedly willing to engage in anticompetitive technological and nontechnological conduct that had no procompetitive justification at all, but indeed degraded technological performance, is it in the public interest to approve a settlement that preserves the discretion of that defendant to engage in technological bundling and design that excludes rivals and lacks any demonstrable technological benefit?

II

Bundling two products in a way that confers some positive technological benefit but also anticompetitively forecloses rivals raises very troubling issues about whether courts can really assess and weigh the magnitude of the conflicting effects. Such a case might pose serious concerns about whether efforts to remedy the anticompetitive effects would have the adverse consequence of deterring technological innovation. In prior writing with co-authors, I have been so troubled that such an antitrust inquiry might itself deter technological progress that I proposed that product bundling that confers any technological benefit (that consumers could not themselves equally achieve through their own bundling) should be deemed a single product, and thus not challengeable as illegal bundling even though any technological benefit might possibly be outweighed by greater anticompetitive effects.[20] Similarly, my co-authors and I concluded that product design decisions that advantage an associated defendant product over rival products should not be deemed a technological tie unless the product design lacks any technological benefit.[21]

This proposed test was repeatedly cited with approval and largely adopted in an earlier Court of Appeals decision that reviewed a claim that Microsoft's conduct violated a consent decree.[22] However, the en banc Court of Appeals decision in this case has interpreted antitrust liability more expansively. It decided that, for purposes of both monopolization and tying claims, a positive technological benefit from technological integration or design is not a sufficient defense, but rather must be balanced against any anticompetitive effect.[23] This test a fortiori condemns the cases without any technological benefit that would be condemned under my test, but also condemns some technological integration or design that does confer a positive technological benefit. Such a test, if adopted in a consent decree, might raise serious questions as to whether in practice enforcement would be either unfeasible or unduly deter technological progress.

I was, however, of the view that the Court of Appeals misapplied this test because it considered technological benefits that could equally be obtained by consumer bundling. See Elhauge, ''The Court Failed My Test,'' The Washington Times, A–19 (July 10, 1998). The Court of Appeals did so because it mistakenly thought that otherwise the test could not distinguish the case of an integrated operating system distributed on three diskettes, but the test does in fact distinguish this case when properly combined with the threshold test that consumers desire the unbundled product. Id.; X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW 1743 (1996). This threshold test should be applied before a court.

But it is an entirely different matter where, as here, a firm technologically bundles or designs its products in a way that anticompetitively forecloses its rivals without any procompetitive or technological justification whatsoever, and indeed retards technological progress. Such behavior lacks any plausible justification, or even the patina of one, and must be strongly condemned and rooted out of a competitive economy. Thus, the minimum requirement that any settlement must meet before it can be said to

[10] United States v. Microsoft, 253 F. 3d 34, 66–67 (DC Cir. 2001) (en banc) (emphasis added).

[11] Id. at 63–64 (emphasis aded).

[12] Id. at71.

[13] Id. at 72 (emphasis added). The Court of Appeals did not reach the question whether Microsoft's dealings with Internet Content Providers had a procompetitive justification because the appellate court concluded the trial court had not found an anticompetitive effect from this conduct. Id. at71.

[14] Id. at 74 (emphasis added).

[15] Id. at 76 (emphasis added).

[16] Id. at 77 (emphasis added).

[17] Id. at 77 (emphasis added).

[18] Id. at 117–118 (sustaining the district court findings of facts except for those few that the court of appeals held were clearly erroneous).

[19] See United States v. Microsoft Corp., 56 F.3d 1448 (DCCir. 1995).

[20] See X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW • 1746 (1996).

[21] 21 See X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW • 1747 (1996) (offering analysis and collecting cases).

[22] United States v. Microsoft, 147 F.3d 935,948–51 (DC Cir. 1998).

[23] 253 F.3d at 59, 65–67, 95.

have provided the remedies necessary to protect the public interest from the continued threat of Microsoft's antitrust violations would be to at least restrict Microsoft from continuing to technologically bundle or design products in ways that foreclose its rivals but do not improve technological performance at all. This proposed settlement fails this test. The bottom line is that, while the settlement provides some restrictions on various nontechnological methods of foreclosing rival applications, it does nothing effective about technological foreclosure. It does not even bar efforts to foreclose rivals with technological manipulations that affirmatively harm the performance of Microsoft products.

Nothing in the proposed settlement prevents Microsoft from anticompetitively foreclosing rivals by simply selling its operating system with other Microsoft software included, even if such bundling confers no technological benefit whatsoever or even harms performance. Nor does the proposed settlement even bar Microsoft from purposefully designing its operating system in ways that confer no technological benefit but make rival software work poorly. In both respects, the settlement deletes reaches any of the five grounds under which a defendant might prove that two items that meet this threshold test nonetheless constitute a single product. Id. at 1744–50 (laying out the five grounds). restrictions the trial judge had previously ordered as necessary remedies during any period Microsoft was not broken up.[24] Given the judicial findings of a repeated past willingness to subordinate technological performance to the goal of anticompetitively foreclosing rivals, it is hard to see how it can be in the public interest to leave Microsoft unrestricted in these ways.[25]

The proposed settlement leaves Microsoft free to harm competition at the cost of technological progress in precisely the ways it was found to have done so in the past.

Indeed, in both respects the proposed settlement actually worsens this problem. First, the proposed settlement not only fails to prohibit, but appears to sanctify bundling despite the lack of any technological justification by providing that Microsoft has the ''sole discretion'' to decide what to include in its operating system.[26] Second, the proposed settlement not only fails to prohibit, but gives Microsoft affirmative incentives to design its operating system in ways that work poorly with rival products because that would create a ''functionality'' problem that justifies express exclusion of rival products under the proposed settlement.[27]

True, the proposed settlement does impose some restrictions. It would prohibit Microsoft from using agreements or threats to prevent computer makers or software developers from dealing with Microsoft's rivals. It would also prohibit Microsoft from making it impossible for computer makers or buyers to customize their operating system to add or substitute rival software. And it requires Microsoft to disclose the interface codes or server protocols necessary to design rival software to run on its operating system.

But none of these restrictions matter if Microsoft is free to engage in technological foreclosure. If the computer makers and consumers who buy the Microsoft operating system are forced to take a technological bundle that (without any technological benefit) includes other Microsoft software, those computer makers and consumers will have little incentive to substitute rival software, even if the rival software is technologically superior. For example, suppose Microsoft and its rival both offer software that costs $10 to make, but consumers value the rival software at $15 and the Microsoft software at $10. Without bundling, computer makers or consumers would buy the rival's superior software. But with bundling, the Microsoft software is already included in the price of the operating system. Thus the computer makers or consumers would not pay $10 to get the rival software when the improved performance is only worth $5. Computer makers or consumers will have even less incentive to use rival software that works worse because Microsoft purposefully designed its operating system in ways that confer no technological benefit but create interoperability problems for rival software.

Antitrust law and settlements should not impede genuine product innovation. If Microsoft bundled software to achieve technological benefits that would not be available if buyers combined their own software choices, then bundling should be permitted. But the appeals court concluded that Microsoft failed to show any technological benefit for its technological bundling, and the proposed settlement leaves Microsoft free to repeat bundling that lacks any technological merit. Likewise, if an operating system design decision makes Microsoft software run better, Microsoft should be free to adopt it even if it hampers rivals until they make modifications to take similar advantage of the improvement. But the proposed settlement leaves Microsoft free to make design decisions that actually degrade operating system performance in order to create problems for rival software.

In another binding ruling, the Court of Appeals held that:

''The Supreme Court has explained that 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.''[28]

The proposed settlement remedies fail this obligation because they do not unfetter the market from the past anticompetitive technological bundling and product design. The proposed remedies do not terminate the illegal monopoly. The proposed remedies do not deny Microsoft the fruits of its statutory violation since Netscape and Java remain technologically foreclosed with their diminished market shares. Nor do the proposed remedies do anything to prevent Microsoft in the future from again inflicting the same anticompetitive product bundling and design that forecloses rivals but lacks any technological benefit.

III

Many have apparently been under the misimpression that the government plaintiffs could no longer pursue remedies against technological bundling because the government plaintiffs dropped their tying claim. But this decision to drop the tying claim, which I applauded,[29] did not reduce the need or ability to restrict technological foreclosure as a remedy for the antitrust violations that the Court of Appeals found Microsoft committed. This is true for two reasons.

First, dropping the § 1 tying claim did not amount to dropping all claims against technological bundling because the Court of Appeals specifically found that Microsoft's technological integration violated Sherman Act § 2.[30] Thus, at a minimum, the prior findings require an effective remedy against technological bundling that forecloses any rival software that could pose a competitive threat to the operating system itself.

Second, it is well-established law that antitrust remedies may need to prohibit conduct beyond what would violate antitrust law in order to be effective. Indeed, if all antitrust remedies did was repeat the legal prohibitions contained in existing law, they would hardly add anything. In particular, the Supreme Court decision in Loew's held that, when a defendant has engaged in illegal

[24] See United States v. Microsoft, 97 F.Supp.2d 59, 68 (D.DC 2000) (''Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind any Middleware Product to a Windows Operating System unless: (i). Microsoft also offers an otherwise identical version of that Operating System Product in which all means of End- User Access to that Middleware Product can readily be removed (a) by OEMs as part of standard OEM preinstallation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop; and (ii) when an OEM removes End-User Access to a Middleware Product from any Personal Computer on which Windows is preinstalled, the royalty paid by that OEM for that copy of Windows is reduced in an amount not less than the product of the otherwise applicable royalty and the ratio of the number of amount in bytes of binary code of (a) the Middleware Product as distributed separately from a Windows Operating System Product to (b) the applicable version of Windows.''); id. at 67 (''Microsoft shall not take any action that it knows will interfere with or degrade the performance of any non- Microsoft Middleware when interoperating with any Windows Operating System Product without notifying the supplier of such non-Microsoft Middleware in writing that Microsoft intends to take such action, Microsoft's reasons for taking the action, and any ways known to Microsoft for the supplier to avoid or reduce interference with, or the degrading of, the performance of the supplier's Middleware.'')

[25] Indeed, the prior district court remedies would seem to constitute the law of the case of what remedies are necessary to remedy the antitrust violations that were inflicted through technological bundling and design.

[26] Revised Proposed Final Judgment VI.U.

[27] Id. at III.C.1, III.H.1,

[28] United States v. Microsoft., 253 F.3d 34, 102 (DCCir.2001) (en banc) (emphasis added) (citing Ford Motor v. United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe, 391 U.S. 244, 250 (1968)).

[29] See Elhauge, ''A Smart Move on Microsoft,'' Boston Globe (Sept. 11, 2001).

[30] 253 F.3d at 64–67.

bundling, ''To ensure .. that relief is effectual, otherwise permissible practices connected with the acts found to be illegal must sometimes be enjoined.'' [31] Thus, where a defendant has been found guilty of illegal technological bundling and design to protect its monopoly power, it would be appropriate to make the remedy ban all forms of technological bundling and design that foreclosed rival products but lacked any technological benefit, without specifically requiring proof that the foreclosed products posed a meaningful threat to the monopoly power. After all, when a defendant engages in technological manipulation that has no technological benefit at all, the only rational reason for its conduct must be to anticompetitively foreclose rivals. Given the absence of any procompetitive virtue, there is no reason to inflict on the public the additional cost and uncertainty of proving that the foreclosure had an anticompetitive effect. That is particularly true where the tying claim was dropped for the strategic reason of getting more quickly to the imposition of remedies, and not because the tying claim was ever rejected on the merits.

In any event, even under the most narrow possible reading of the prior holdings in this case, any proposed remedies must undo the adverse effects of (and deprive Microsoft of the fruits of) the prior technological and nontechnological misconduct that the district court and Court of Appeals found specifically foreclosed Netscape Navigator and Sun Java. This would at a minimum indicate that an appropriate remedy would include an obligation that Microsoft must carry Netscape Navigator and Sun's version of Java on its operating system, so that those products would have the opportunity to serve as a rival platform for applications, just as they could have had without Microsoft's illegal conduct. Unfortunately, such a remedy is probably now insufficient, since the foreclosure of these products has prevented a series of technological developments that otherwise might have occurred had every computer had a rival applications platform that could access the Internet. But, at least prospectively, such a remedy would offer a nice market test of the proposition that consumers might prefer to use these rival products as their applications platform, because the remedy would afford consumers the market choice of doing so or not.

IV

Even if one got past the proposed settlement's failure to deal with technological foreclosure, its efforts to deal with nontechnological foreclosure have problems as well. In particular, even the weak restrictions that the proposed settlement would impose have various loopholes that undermine their effectiveness. One troubling loophole delays Microsoft's obligations to make disclosure and allow removal of Microsoft middleware for up to twelve months.[32] That is a lifetime in computer software development, and one wonders whether rivals, with that kind of time lag, will ever overcome it. Further, the proposed settlement permits Microsoft not to disclose code that would compromise the security of ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' [33]It is quite possible that some of this code might be vital to the interoperability of rival software. Further, excluding disclosure of authentication codes may allow Microsoft to exclude rivals to Passport, its Internet authentication system, and then tie E- commerce to its authentication monopoly. The proposed settlement also leaves Microsoft free to use financial inducements to encourage computer makers to favor Microsoft applications as long as those inducements are ''commensurate'' with their sales of the Microsoft application or reflect ''market development allowances.'' [34] Microsoft can also enter into joint ventures or contractual arrangements with software developers that bar them from dealing with rival applications if that furthers some bona fide contractual purpose,[35] which probably will not be difficult to find. Finally, the whole proposed settlement would only last five years, leaving Microsoft free to engage in the full range of its past anticompetitive conduct starting in 2007. The mere fact that this threat will be looming in 2007 means that, even if the proposed settlement restrictions were effective, this looming threat would likely discourage any investments in long term software development, which may take years before it results in a product and require several years of profitability after introduction to recoup the investment. Indeed, since some of the proposed settlement obligations would not kick in for a year, the proposed settlement would leave rivals with only a four year window to try to profitably recoup investments in rival products that Microsoft could foreclose. This is probably insufficient even if, contrary to fact, the restrictions did meaningfully prevent foreclosure.

V

Given the above, I am reluctantly forced to conclude that approving the proposed settlement as a final judgment would not be ''in the public interest,'' as the Tunney Act requires. 15 U.S.C. § 16. It fails to ''terminat[e] alleged violations,'' the ''duration'' and ''relief sought'' are unsatisfactory, the ''anticipated effects of alternative remedies'' that dealt with technological foreclosure and dealt better with nontechnological foreclosure would more effectively protect the public interest, the proposed remedies are not ''adequa[te]'' to correct the violations found by courts, and ''the impact of entry of such judgment upon the public generally and individuals alleging specific injury, from the violations set forth in the complaint'' would be negative. Id.

The proposed settlement should thus be modified to bar Microsoft from engaging in technological integration or design that forecloses rival products but lacks any technological benefit, and to provide more effective remedies against nontechnological methods of foreclosure by closing the various loopholes in the proposed settlement that I have described above.

Respectfully Submitted,
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TEL: 617–496–0860
FAX: 617–496–0861
EMAIL: elhauge@law.harvard.edu
January 27, 2002

MTC–00027210

From: al.scott@us.army.mil@inetgw
To: Microsoft ATR
Date: 1/27/02 9:21pm
Subject: Microsoft Settlement

Dear Sirs: I have read the proposed settlement. It thoroughly addresses oversight of prohibited behavior on the part of Microsoft. I feel it is a step in the right direction but it is short sighted as it really does not say ?What you did was wrong, now pay a price for having done so.?

Nothing addresses any penalties for having operated as a monopoly. This to me ignores the harm done to the industry and customers to date. I also feel there is a serious dilemma in setting any penalties. One side me says ?this nation enjoys a leading role in global information technology, we should not hurt our overall standing?; the other side says ?a crime should never pay, there must be an appropriate punishment?. The settlement as proposed never even entertains an aspect of just punishment.

Microsoft is a monopoly and enjoys the leverage of being the desktop operating system publisher for the world. It can spread into almost any other market segment if only by virtue of having enough money to buy into one. Their dominance today is built on their past containment, absorption, and removal of other competing companies and technologies. A lot of inspired innovation died along the way to getting to the current market state. There is no commercially viable x86 operating system in existence. Just weeks ago another company Be OS failed. There is almost no way to make a business of a selling a new operating system without selling it with a non-Intel based computer system. Microsoft has a commanding lead and has locked out competition for the desktop OS market, for both consumer and business users.

The wealth of this corporation limits any meaningful financial penalty. Monetarily, I do not feel a dollar figure can be set that would really impact them because the cost would only be passed on to the customers. In effect, we as its customers, would be billing ourselves.

Here are three possible penalties:

1. Prohibit Microsoft and its major affiliates from merging or spreading into any other diversifying business ventures for the next three to five years. In effect freeze Microsoft's current expansion for a fixed period of time giving competitors some opportunity to survive and grow.

2. Set up a venture capital startup fund using $1 billion paid by Microsoft to support

[31] United States v. Loew's, 371 U.S. 38, 53 (1962); X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW c111758, at 349 (1996).

[32] Revised Proposed Final Judgment III.D, III.E, III.H.

[33] Id. III.J.

[34] Id. III.A, III.B.3.

[35] Id. III.F.2, III.G.

new alternative (competing) U.S. based operating system and software developers. Prohibit Microsoft from ever acquiring or partnering with these companies.

3. Encourage sectors of the U.S. government to procure fewer Microsoft products by offering budgetary inducements through GSA for using alternative sourced products for a period of three to five years. This opportunity would encourage developers to bring new products to market possibly spurring competition and better pricing. Consumers would benefit in having more choices.

Sincerely,
Alvin Scott

MTC–00027211

From: David Miller
To: Microsoft ATR
Date: 1/27/02 9:24pm
Subject: microsoft settlement

I hope you will consider a remedy with a little more teeth than the one that has been proposed. I still use Netscape because I prefer it, but even though one can download it free of charge, it is still easier for most folks to use IE because it comes with their OS. Netscape's improved the new versions to the point that reviewers are praising it over IE, but it is still hard to use it because it is not universally supported. Either through fear of Microsoft or because of cost effectiveness, it is not always supported by website developers or even internet providers. It is rather sad when one's own ISP will not support one's use of Netscape because not enough customers use it to justify training their tech support, when you know that people aren't using Netscape because it was muscled aside. I have even found web sites that won't display in Netscape. I don't know if that is because the site has an agreement with Microsoft or because they choose not to design the site for both browsers because they don't think there will be enough traffic from Netscape customers to be worth the cost. Please consider a remedy that will change things enough to give a practical choice to those of us who would like one. Requiring Microsoft to sell a version of Windows without IE would be a good start.

MTC–00027212

From: sysadmin
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

I feel that any settlement the DOJ makes with Microsoft will cause more harm than good. Microsoft should be forced to take full responsibility for the monopolistic blackhole they have created.

Since Microsoft has embarked on a disinformation campaign, many people feel that Microsoft is the only software company. This is not true. There are many alternatives that could fill the void if Microsoft were to fail. More specifically, there is Sun Microsystems, Apple, IBM, and and many Linux companies.

Bill Gates will argue that his company is helping create standards of quality. This statement follows hundreds of security holes, thousands of bugs, and the technical documents that label Widows as the most unstable OS.

Microsoft sucks up everything in its wake. Currently, Microsoft has been attacking the Open Source movement. According to Microsoft, the Opensource movement (more specifically the GPL) is a cancer. They call it a cancer because they can not control it. Normally, Microsoft would purchase any competing idea and store it away. They store every bit of creativity the software industry has. If anything it is Microsoft, that is the cancer. It should be removed.

Your's truely,
Thedore Knab
Systems Engineer [UNIX]
Washington College
300 Washington College
Chestertown, MD 21620
Office: 410–810–7419
Fax: 410–778–7830
email: ted.knab@washcoll.edu

MTC–00027213

From: Jimmy Tucker
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement
Jimmy W. Tucker
998 Damrosch Street
Largo, Florida 33771
January 25, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I support the settlement of the Microsoft antitrust case. It is time to put this lawsuit behind us and move on to better things like developing better products. Microsoft and its competitors should all be improving and innovating all the time, not focusing on litigation. The people in the marketplace will choose the best products for their needs. So far the people have chosen Microsoft. The fact that Microsoft has been dominant does not mean it has been harmful. Along with Intel on the hardware side, Microsoft has dictated the standard that people have chosen to follow and build upon. I do think the corporate world needs some oversight. The settlement will open up Microsoft to its PC industry even further than it is now. This is in stark contrast to the successful, but not dominant strategy of Apple Computer, which has been to maintain close, sole, proprietary control over all major facets of its business, from design to manufacturing, and from hardware to software. Microsoft has agreed, for example, to disclose the copyrighted software of the internal interfaces to Windows. I am pro-competitive. The settlement will be good for American consumers and industry, in my opinion.

I thank you, Mr. Ashcroft, for your support of the Microsoft settlement.

Sincerely,
Jimmy W. Tucker

MTC–00027214

From: Paul C Halstead
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

To the Justice Department

In accordance with the Tunney Act I wish to comment as follows. ''Consumer interests have been well served and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.''

Very truly yours
Paul C Halstead

MTC–00027215

From: Glen Kleinknecht
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement

Dear Judge,

I am a personal computer user as well as running an inner-city non profit which uses 10 computers. I have found that Microsoft a generous company for us. However, I do not believe it to be in the benefit of users like me and my inner-city work to benefit from an environment of one company controlling the computer operating system market. Nor do I believe that it is beneficial to M.S. M.S. will benefit from a truely competitive market Therefore, I want to express my concern about the PFJ as a good solution. Please consider this user as one who would not want this ''judgement'' enacted.

Thank you for your consideration. I am sure you will render the fair conclusion on PFJ.

Glen Kleinknecht
Director, Here's Life Inner City (NYC)
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00027216

From: wbusch
To: Microsoft ATR,Mary Fentress
Date: 1/27/02 9:27pm
Subject: Microsoft settlement

Microsoft needs to be broken up to allow fair competition to other developers. Over the years they have stolen technology from many companies. Most recently mouse technology that netted them hundreds of millions of dollars. Even with the legal battles going on they show NO intention in changing business as usual practices. They had to pay Stac technologies $ 120 million in the past..they didn't care they made much more. They said it wasn't possible to separate the browser from Windows. It was another lie. A product called 98 Lite did just that. Now they say it is possible but they continue to work at making it impossible in future versions of th OSes they build. They all but killed off Dr DOS which was superior at the time. They destroy, buy off or steal technologies as needed to control the marketplace. They can not be trusted to police themselves and should be broken up into several separate entities that would not be able to prevent development of alternative operating systems,or new technologies by money and influence. Just as they recently tried to ''settle'' with the government by putting even more of their software into schools to further expand Microsoft's presense. They continue to prey upon the public as well developers. I am a user of Microsoft products and I am currently enrolled in Microsoft classes in college which I pay for myself without financial aid. Despite this I know that if we

do not stop the marketing of new OS every two years for the sake of profit we will soon destroy all competition at an enormous expense to all users.

Thank you for this opportunity to speak out.

MTC–00027217

From: Joe Barr
To: Microsoft ATR
Date: 1/27/02 9:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

My name is Joe Barr. I am a United States citizen residing at 1715 High Road, Kyle, TX, 78640. I have been using personal computers since before the introduction of the IBM PC and the luck of the draw which gave Microsoft its monopoly on the PC operating system market on day one. I have worked in the computing industry since 1974, either as a programmer, manager, consultant or journalist.

I have seen Microsoft's dishonest, duplicitous, and illegal business tactics destroy a healthy market and replace it with one devoid of real innovation and competition. I have seen software developers lose their life's savings as a result of the malignancy of the Microsoft monopoly. I have been witness to the perjury of Bill Gates in the STAC case, the rigged demos in federal courts, and the false statements made under oath of the top Microsoft executives. And I am not alone. Millions of others have seen the same thing.

I am submitting these comments in hopes that they will reach the judge who will rule on the proposed ''settlement'' between Microsoft and the DOJ in the long-running antitrust case. I know that many others will be writing to point out their views on the legalities of the settlement. I am not qualified to do that. I am certain that the judge needs no help from me in determining that on her own. I merely wish to state the obvious: the settlement is all about politics, not justice.

There are terrible shortcomings in the proposed settlement. The most notable among them are:

1. The restraints it asserts are weak and inconsequential.

2. No penalties are prescribed for failure to abide by them.

3. The loopholes are larger and more numerous than the restraints.

4. If this settlement is accepted by the court, it will not hamper Microsoft's ability to llegally extend its monopolies one iota. In fact, the settlement will strengthen its ability to do exactly that.

Under the leadership of the Bush administration, the DOJ did not even bother to assign a competent negotiator to the task of reaching a settlement. Ashcroft personally took the United States biggest threat to Microsoft off the table, and Charles White evidently could do nothing but repeat ''Yowsa, Mister Gates, Yowsa'' at every stage. No matter that the world knows Microsoft not to be trustworthy, White and Ashcroft leave important matters completely up to Microsoft's judgement in the settlement. Their greatest accomplishment for the United States in the document seems to have been to win the right for the DOJ to jointly (with Microsoft) decide who would oversee the it.

Ashcroft and White have humiliated and shamed the entire Department of Justice in their rush to deliver to Bill Gates and Microsoft the ''Get Out Of Jail Free'' card promised by President Bush. Their work is nothing short of an indictment of the American legal process: justice for sale to the highest bidder. One administration, one Enron, one Microsoft. Justice for all three.

No mere tinkering with the current settlement would be sufficient to correct the wrongs resulting from Microsoft's past behavior or even to insure they do not continue. A just settlement must contain swift, sure, and painful punishment as a consequence for failure to abide by its terms. Microsoft has proven itself countless times not to trustworthy. They must be made to behave, or else they won't. It is as simple as that.

Here's hoping that you will throw this outrageous political settlement onto the scrapheap where it belongs. Unfortunately, you face opposition to an equitable settlement not only from Microsoft, but from their purchased political appointees as well.

/Signed/
Joe Barr
CC:joe@pjprimer.com@inetgw

MTC–00027218

From: Cebert Shrum
To: Microsoft ATR
Date: 1/27/02 9:32pm
Subject: Microsoft Settlement

It is our opinion that the Microsoft offer should be accepted. We think that it is a shame what is being done to this company because of their success. It is another example of meddling like the case of AT&T. We had the best telephone company in the world and now we have a mish-mash and we get less service and it costs more just because of one judge. The public is the ones who suffer in cases like this. In this case the public has already suffered because the stock is less valuable and if the company is punished more, their products will suffer and cost more and cause more jobs to go overseas and increase unemployment.

We think it is time to let Microsoft alone.
Mr. and Mrs. Cebert W. Shrum
3733 Southern Manor Drive
St. Louis, Missouri 63125–4478
CC:gebhardt@mail.house.gov@inetgw

MTC–00027219

From: Richard Dunn
To: Microsoft ATR
Date: 1/27/02 9:31pm
Subject: Microsoft Settlement

I feel that the proposed settlement does not go far enough in ensuring that Microsoft will cease it's predatory actions. The company has repeatedly announced their plans to expand and dominate other markets like they have the PC market.

Richard Dunn
5588 Tosca ct.
Placerville, Ca 95667
(530)677–8400

MTC–00027220

From: John H. Lindsay
To: Microsoft ATR
Date: 1/27/02 9:33pm
Subject: Microsoft Settlement

rway Hill Crescent,
Kingston, Ontario, K7M 2B4,
Canada,
2002 01 27.
Ms. Renata Hesse,
Trial Attorney,
Antitrust Division,
United States Department of Justice,
601 D Street, North West, Suite 1200,
Washington, DC 20530 U. S. A.

Dear Ms. Hesse:

Subject: Proposed Microsoft Settlement: I wish to comment on the proposed Microsoft Settlement. You will note form the above address that I am a Canadian, and thus not directly concerned with the Proposed Microsoft Settlement. However, I submit that considering where I am writing from, what my background is and what sort of things I do, I am uniquely placed to offer comment which may be informative and useful to you in this matter.

I say that Microsoft's restrictive sales and software development methods and practices have had a more devastating an effect in Canada on software development than in the States. That, however is a matter for the Canadian Departments of Justice and of Trade and Commerce and our courts, and is not my point here.

It would be interesting to me for you to consider at some time in the future whether Microsoft's actions taken in the U.S. both directly and through Microsoft Canada, and having effect in Canada to restrict competition among software manufacturers and distributors, including U.S. manufacturers and distributors marketing in Canada, is subject to your laws. Again, this is not my point here.

My point is that Microsoft's restrictive practises have spilled over the border and had such a huge effect and have been so penetrating in Canada, affecting even little one-person near- hobbyist operations like mine. Those practises must then have affected every corner and every small computer user, software creator and distributer in the U.S. Further, I have read the document COMPETITIVE IMPACT STATEMENT, Civil Action No. 98–1233 (CKK), and in it, I find in it very little that I could call sufficiently punitive, corrective, recompensatory, effectively preventative, of deterrent to or controlling of Microsoft restrictive practises, especially as it relates to little people like me but in the U.S., little people who don't have the money to hire a lawyer, and who look to you for protection from predatory giants.

I am a retired professor of Computing Science; I taught 15.5 years at Queen's University here in Kingston, and 17.5 years at Royal Military College (compare: West Point, U.S. Naval Academy, U.S. Air Force Academy all rolled into one, made a degree-granting university, and reduced to Canadian size) also here in Kingston. My field of study is computer programming languages, particularly the macro languages, macro language programming systems, and compilers. I'm still studying in my ''retirement'' and working on a computing project that in all my years at the two universities, I never had the time or resources to do. In this project, I'm a one-person

organization, a unique one-person programming organization among many such unique one-person organizations everywhere in the world. There are many such one-person organizations in the United States, hobbyists, and many of the creators of shareware, freeware and open-source software for instance. You may wish to browse the Hobbes archive of OS/2 software from around the world at http://hobbes.nmsu.edu/pub/OS2 at New Mexico State University; the majority of it is contributed by OS/2 programmers in the United States, almost all little people like me.

My project is the Rosanna programming language and programming system, a system to permit the creation and use of programming languages peculiar to a problem or class of problems at hand. I plan to release it not for profit, but under a type of licence which expects the user to do something agreeable to him in thanks to the good Lord or for his fellow man—I call it Samaritan ware—in return for the right to use Rosanna. This puts my work in much the same classes as freeware or shareware, or open-source software (mine will be open-source too, but with a difference).

In my work, I use the OS/2 operating system for a number of reasons: (1) the design of the system which helps in the organization and creation of software, (2) the availability of ALL the API documentation in open form, (3) the ready availability of high quality software, especially compilers for a huge number of programming languages and well-conceived and well-written programmers'' utilities, (4) its invulnerability to almost all the computer viri and worms, especially the ones introduced in the last year or so, and (5) the stability of the system—I think I have to reboot about once every five or six weeks or more, except when I have to reboot to install a new piece of software. You have heard the sorry tale of the failure of OS/2 in the market place caused by Microsoft's actions. We OS/2 programmers are loosing our favourite operating system bit by bit as a result.

Our loss, the loss of the little one and two-man programming organizations, including those in the United States, is in very large part, intangible. The rewards of the freeware programmer are just those of knowing that he has done a good job (the quality of work produced by OS/2 programmers seems to be a good level higher than the quality of much on the market or available on the InterNet) and the knowledge that there are people who will use his work. If OS/2 falls into disuse, we will have few to use our work, and that will be what Microsoft has done. The shareware programmer looks for both those rewards and the fees paid by the users. They will be out-of-pocket due to Microsoft's restrictive practises too.

I see no cause for relief in the present proposed Microsoft Settlement for the little non-Microsoft programmer in the U.S. but like me. We need our user base back, a user base that has been taken from us by Microsoft's improper actions. There is nothing in the proposed settlement that gives us that user base back, and there is no effective way to compensate us all for that loss.

Please send the proposed settlement back to the drawing board for the sake of my U.S. counterparts. In particular, I suggest that every clause be examined for things which can be made ineffective by Microsoft's evasive actions, and please, please, don't include a clause like the gift of Microsoft software to schools and colleges. That's a subtle form of Microsoft advertising; students learning to use a piece of software at a school, college or university tend to continue to use it afterwards in their work. If anything, I suggest that you make Microsoft buy software from other non-related suppliers equal in value to what they offered to give, including but not limited to OS/2 from I.B.M., Linux, B.S.D. Unix, Corel software including WordPerfect, and so on, and give that to schools, colleges and universities.

Yours very truly,

John H. Lindsay.
John H. Lindsay 48 Fairway Hill Crescent,
Kingston, Ontario,
Canada, K7M 2B4.
Phone: (613) 546–6988 Fax: (613) 542–6987
jlindsay@kingston.net

MTC–00027221

From: jsterner
To: Microsoft ATR
Date: 1/27/02 9:34pm
Subject: Microsoft Settlement
From: ''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>
To: <JSTERNER@GLOBE-NET.NET>
Sent: Sunday, January 27, 2002 6:22 PM
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454
or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm

CC: Jack Sterner
328 Thomas Barbour Drive
Melbourne, FL 32935

January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I never thought that Microsoft should have been brought to trial. If Microsoft had been doing something wrong, America would have known about it long before, and the consumer would not have stood by and shelled out cash for products that were shoddy or overpriced. I am not an expert on antitrust law, and I do not know everything that has gone on in the case, but I am a consumer of Microsoft products, and I am affected by the recession America is currently in, and I believe both the economy and computer industry have suffered because of this case.

The proposed settlement is perfectly reasonable; unfortunately, Microsoft's opponents do not agree. They are currently seeking to undermine the settlement and continue to litigate against Microsoft. I do not believe this is wise or needful. Microsoft has agreed to a variety of terms aimed specifically at decreasing their dominance in the market. Microsoft's competitors will be given a great deal of advantages. For example, Microsoft will reformat the Windows operating system so that future versions of the software will support non-Microsoft programs. Competitors will be allowed to use Windows to introduce their own software to consumers. Computer makers will also be given the right to reconfigure Windows by removing Microsoft applications and replacing them with competitive alternatives.

The economy needs to get back on its feet, and this is the perfect opportunity to give it the chance to do so. The settlement that was reached last November needs no modification. I urge you to support it and to move on.

Sincerely,
John Terner

MTC–00027222

From: Alex Wallace
To: Microsoft ATR
Date: 1/27/02 9:35pm
Subject: Microsoft Settlement

Dear Dept. Of Justice:

I believe that Microsoft's proposed ''settlement'' is the most ridiculous thing I have ever heard of. You cannot allow Microsoft to sneak out of their dillimma by further pushing their monopoly- which was what they were in trouble with in the first place. Perhaps their punishment could be for them to pay fines to all the companies they have pushed down with their monopoly? Apple and Netscape come to mind...

Sincerely,
Alex Wallace

MTC–00027223

From: Philip Seal
To: Microsoft ATR
Date: 1/27/02 9:36pm
Subject: Microsoft Settlement

To whom it may concern:

As a citizen of this wonderful country and a taxpayer, I wish to object most strongly to

any changes that might be proposed or made to the settlement that was legally reached after very much discussion and deliberation, by the court in this matter concerning this great company. Please don't allow this matter to be dragged on any further. There is no need to waste our precious resources on useless wrangling just to satisfy the greed of a few individuals, who are only looking for ways to line their pockets at the expense of a successful Company, and of the entire population of this great nation of ours. Let's get on with more important items that might benefit and improve our economy. ''Enough is Enough.''

Philip Seal
Sunrise FL

MTC–00027224

From: Mark (038) Pam Collier
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Antitrust Case
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We would like to see the antitrust case against Microsoft settled. We think it is ridiculous that this case was filed at all, and we are pleased that efforts have been made to resolve the lawsuit. The terms of the settlement agreement are reasonable. Microsoft has made many concessions. Once the settlement agreement is approved, there should no longer be any concern about anticompetitive behavior on Microsoft's part. Microsoft has agreed not to take retaliatory action against those who develop or promote software that competes with Windows. Additionally, Microsoft has agreed not to enter into contracts with third parties that would require the third party to exclusively sell Microsoft's products. Nothing more should be required of Microsoft.

We urge the court to approve the settlement agreement in its present form. Thank you for reviewing these comments.

Respectfully,
Mark & Pam Collier

MTC–00027225

From: MERLE G WEAVER
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft settlement

stop the delaying, move on to let Microsoft do its job.

merle weaver

MTC–00027226

From: Mike Letcher
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Settlement

My opinion on the above referenced settlement is that there should have never been a suit or judgement against Microsoft in the first place, therefore all charges and penalties should be dropped. Microsoft should be allowed to do business as they choose (just as anyone in a free country should) so long as they do not physically initiate force or threaten physical harm. They got their economic power through free trade and the fact that, besides myself, many, many persons freely chose their software over other available products. This suit is a travesty to freedom.

Sincerely,
Michael Letcher
United States Citizen,
State of Missouri

MTC–00027227

From: John Grauch
To: Microsoft ATR
Date: 1/27/02 9:26pm
Subject: RE: Microsoft Settlement

Judge:

As a soon-to-be graduating college student, I would just like to voice my concern about the possible negative ramifications, should the Microsoft be allowed to continue in its present monopolistic trend. You have the fate of the free world in your hands, please seriously consider how truly monopolistic Microsoft is. The proposed final judgement does not adequately remedy the situation.

Thank you for your time,
John Grauch
USC college student

MTC–00027228

From: jrob@jump.net@inetgw
To: Microsoft ATR
Date: 1/27/02 7:13pm
Subject: Microsoft Settlement

Dear sirs,

Having watched the computer industry for about 20 years now, I have witnessed the Microsoft corporation as it has grown from the supplier of software for ''hobby'' computers to its present day dominance in the software industry. And I have watched as it has systematically destroyed any company that has attempted to do business selling software, starting with Digital Research in the 1980's. As near as I can tell, Microsoft has never been the innovator it claims to be, but rather exists by adopting the ideas of others and marketing them as its own. Therefore, it is with great disappointment that I learn that the punishment for abusing its monopoly power will in essence be, that it must promise to be nice and not do it any more. Note that Microsoft has never publicly acknowledged its own wrongdoing! A more realistic judgement, in my opinion, would be to completely revoke the IPRs that have allowed it to become the monster it is. Not forever, not for every company. Just for Microsoft and just for a period of say, 5 years as in the current judgement. During that period, Microsoft could no longer make wild claims of ''piracy'' nor force users to ''sign'' a ridiculous ''contract'' merely by clicking their mouse. If someone wished to copy or reverse-engineer Microsoft products during that period, he or she could do so with impunity. It would serve as a reminder to Microsoft that it —can— be regulated, and that the foundation of its business model is in fact government regulation.

James Robertson

MTC–00027229

From: Michael B. Parker
To: ''microsoft.atr(a)usdoj.gov','verify(a)kegel.com''
Date: 1/27/02 9:43pm
Subject: RE: Verifying you as cosigner of Open Letter to DOJ
Name: Michael Parker
City: Los Angeles
State: CA
Title: Software Architect
Organization: n/a

I am signing www.kegel.com/remedy/letter.html because I believe Dan Kegel accurately points out that the proposed final judgment with Microsoft considerably falls short of ending anti-competition practices, such as (very offensively), preventing Publicly Available Software from being redistributed with MS Windows (Media Encoder 7.1 SDK) (http://www.kegel.com/remedy/remedy2.html#isv.oss). While it might be easier to debug if it was just one make of software, that is not even beginning to be sufficient technical reason to insist on doing so universally, and the fact that a stipulation such as this would exist in the settlement would suggest to me that the settlement is still ill-spirited and Microsoft would may well still put in anti-competitive practices anywhere they could.

CC: Paul Belvoir
Michael Scott Klein

MTC–00027230

From: TrojansUSC@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:40pm
Subject: Microsoft Settlement

Dear Judge—

I'm a college student and thus have been a big supporter of Microsoft products (mainly Microsoft Word). However, I do not believe it is right they were able to be granted a deal giving them full leverage over the competition. We live in America under a Democracy. Thus, a company based in the states should not rule as a dictatorship. If our country is not run in this manner, what makes a company believe they can do so?

Sincerely,
Robyn Freeman
814 W. 28th St.,
Los Angeles, CA 90007
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027231

From: Daniel Speers
To: Microsoft ATR
Date: 1/27/02 9:40pm
Subject: Microsoft Settlement

Very simply put, this Settlement is a bad idea. The reasons are many and the following URL is merely a good start.

http://www.kegel.com/remedy/letter.html
Dan Speers
15 Maxine Drive
Morristown, NJ 07960
973–898–0906

MTC–00027232

From: Rayson Ho
To: Microsoft ATR
Date: 1/27/02 9:42pm
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 Renata,

I am from Ontario, Canada. I just graduated from the computer engineering program at the University of Toronto. I recently saw the Open letter from Dan Kegel's web site about the Microsoft settlement. As a member of this industry, I think I need to say something. I strongly 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 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,
Rayson Ho,
Toronto, Canada;
Recent Grad,
U of Toronto.

MTC–00027233

From: Jabreitman@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

I urge you to reject the proposed settlement in the Microsoft antitrust case and to require that Microsoft adhere to a market based approach that is self-sustaining, rather than to regulatory remedies that require constant policing. I do not believe that Microsoft, a company that has repeatedly been found to violate antitrust laws, should be broken up. Rather, its 70,000 applications should be able to run on all competing operating systems. This solution will allow consumers to enjoy the advantages of current and future competing products without denying them the use of any Microsoft products. Such an approach is not designed to ''punish'' Microsoft, but to promote a level playing field in which consumers can freely shop for the mix of products that best meets their needs at competitive prices.

Jerald A. Breitman
15 Innisfree Drive
Durham, NC 27707–5069

MTC–00027234

From: Renhao Zhang
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

Dear Justice Official,

I'm writing this letter to voice my opinion regarding the Microsoft Anti-trust case as allowed by provisions of the Tunney Act.

As a technology consumer and a computer user, it is virtually impossible to conduct my affairs without some form of association to the products of Microsoft, the defendant of the anti-trust trial. As such, the decision and outcome of this trial is of great significance to me.

I agree with the conclusions of the courts Finding of Facts as published here: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm but I do not support the proposed final judgment as published here: http://www.usdoj.gov/atr/cases/f9400/9495.htm

I object for the following reasons:

(1) Although the spirit of the remedial actions are a step in the right direction, they are too loose and do not go far enough. Too much of the language and the details of how relevant items are defined are too vague. As it stands, the door is wide open for the defendant to construct and exploit loopholes that defeat the original purpose of the judgment rendered. Microsoft has a corporate history of placing self-interest above the public good and can not be trusted to abide by a weak judgment by the Department of Justice.

(2) The decision to remove the order to break up the company along product lines is a critical mistake that will hurt the ultimate goals of this trial. Microsoft has already been found guilty of illegal monopolistic business practices. Keeping the monopoly intact does nothing to punish the guilty. If allowed to stay intact, Microsoft will continue it's history of bullying and pressuring competitors with it's market dominance along multiple fronts of the consumer electronics and computing industry. As of today, Microsoft has well established holds in the general desktop computing, PDA, and game console markets all under the banner of the Windows operating system. Microsoft can not be allowed to use the Windows to destroy the diversity of a healthy market.

(3) Though the guilty verdict establishes Microsoft as a repeated transgressor of fair market practices, no action has been taken to punish the company for past deeds. Over the years, Microsoft has littered the corporate landscape with the remains of corporate entities whose products and market objectives came into conflict with Microsoft. Many surviving companies and computer product producers have testified to the various forms of attack Microsoft has engaged in to stifle competition. It isn't fair to those market participants who have suffered on account of Microsoft for the company to get off so lightly. In addition to the remedial measures, Microsoft needs to be aggressively punished for it's previous business practices as an example to future potential corporate law breakers.

These comments I respectfully submit to the government in the hope that it will aid the cause of justice.

sincerely,
Renhao Zhang

MTC–00027236

From: Thomas Parkhill
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

Gentlepeople:

There is, in my opinion, little justice in the recent decision regarding Microsoft and its business practices. I disagree with this settlement most strenously!

Thom Parkhill
Department of
Religious Studies
St. Thomas Unversity
Fredericton, N.B.
Canada E3B 5G3
parkhill@stthomasu.ca

MTC–00027237

From: Dick Humphrey
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: Microsoft Settlement

It is my understanding that Monday, January 28, is the deadline for individuals to submit their opinions to the Department of Justice on the antitrust settlement between Microsoft, the DoJ and nine states. I respectfully ask that you consider the value of competitive practices, not legal means, to attempt to capture customer market share. Microsoft spent over $2.0 Billion in legal fees last year. They have agreed to make some concessions to abide by your original concerns and now we find lobbyists and competitors are forging ahead with competitive issues to keep Microsoft from carrying out their daily operations that have certainly meant a great deal to the day to day operation of each American's life to make it more productive and efficient. While the terms of the settlement are tough, it is my understanding that Microsoft believes they are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

I respectfully ask that you not reject the settlement and get this legal mess behind us. Thank you for your consideration.

Dick Humphrey
Littleton, CO
dhumphrey1@msn.com
303–770–8881

MTC–00027238

From: Lawrence W Mahar
To: Microsoft ATR
Date: 1/27/02 9:46pm
Subject: Microsoft case
From: Lawrence W Mahar
945 Murray Road,
Middle Grove, NY 12850,
home & FAX 518–587–6781,
e-mail: larrywmahar1@juno.com.
<larrywmahar1@juno.com>

I agree with The Senior Coalition in recommending an acceptance of the Miscosoft offer.

URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement

itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT.

Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest.

Email: microsoft.atr@usdoj.gov.

In the Subject line of the e-mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454

or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm Raising your voice now on this issue really will have an impact.

Thank you for your time.

Mary M. Martin

Chairman and Executive Director

The Seniors Coalition

MTC–00027239

From: elliota@quik.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:48pm
Subject: Public Comments

I am writing this email to state that I am opposed to the terms of the Microsoft Settlement as they are currently stated. One of the biggest objections that I have is the proposal that Microsoft be allowed to give away software to public schools as part of the terms of the settlement. This does not penalize them for past behavior. In fact it encourages them to continue this because this settlement then greatly expands their market share and ties more school systems into this operating system.

Thank you for listening to my comments.

Elliot Abramowitz

Glendale, Az

MTC–00027240

From: John Parmater
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: microsoft settlement

Dear Judge,

I know the Bush administration wants to be friendly to business by being friendly to Microsoft. However, as was establish during the trial, Microsoft has been quite hostile to business and hostile to the welfare of the United States of America. Please do whatever you can to rein in this behemoth.

Thank you.

John Parmater

MTC–00027241

From: Jerome B. Bonat
To: Microsoft ATR
Date: 1/27/02 9:53pm
Subject: Microsoft Settlement

I admire the products that Microsoft has brought to the marketplace —I do not think they should be punished for being effective in the capitalistic system.

Jerome B Bonat

Boca Raton Fl

561 482 6779

MTC–00027242

From: Akkana
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement

I would like to add my voice to those protesting the settlement in the Microsoft case proposed by the Department of Justice. The proposed settlement is too weak, and does nothing to punish Microsoft for its past illegal behavior or to prevent it from continuing the same patterns of behavior in the future. As a temporary measure, it would be a welcome help which might help get the industry moving again while stricter measures are being considered; but by itself it will not change anything in the long run.

There's no question about Microsoft's guilt: both the district court and the appeals court found Microsoft guilty of violating sections 1 and 2 of the Sherman antitrust act. So how can we allow a settlement which levies no penalty whatsoever against the lawbreaker—which allows Microsoft to keep the billions of dollars of profits which have come out of the pockets of consumers and of the many smaller companies which it has trampled in the course of maintaining its illegal monopoly? The proposed settlement would send a clear message that companies are free to break the law with impunity.

We've already seen how effective a weak settlement will be on modifying Microsoft's behavior. Did the agreement of July, 1994 (http://www.usdoj.gov/opa/pr/Pre—96/July94/94387.txt.html) help in ending the company's monopolistic and bullying practices? Evidently not, or they wouldn't have been found guilty in the present case. Nor has the current proposed settlement (which Microsoft claims to support) prevented them from imposing licensing and registration agreements in their most recent software products which maintain their software monopoly and keep users from trying software from other sources. Another weak settlement is an engraved invitation for more monopolistic behavior and many more court cases in the years to come.

III: Prohibited Conduct More important, though, is what the settlement says about Microsoft's future behavior. The settlement will place no significant restrictions on Microsoft's anticompetitive behavior, and allows the company to continue to use its monopoly to lock out other software products.

The spirit of the settlement is fine. Microsoft's most egregious violations, which have had the worst effect on competition, have been its restrictions on licensees, OEMs and other customers restricting their ability to run other operating systems or software from sources other than Microsoft, and the bulk of the settlement attempts to address such issues. However, it is so specific and its scope so limited that the current settlement by itself will not cover the modern applications and the sorts of customers which provide the bulk of Microsoft's income.

Microsoft has already shown itself willing and able to work around loopholes in the proposed settlement. Consider its current enterprise licensing scheme, announced after the publication of the proposed remedy, which offers discounts to companies which sign an agreement not to use non-Microsoft products. Does this behavior become acceptable simply because most businesses do not fall under the heading of ''IAP, ICP, ISV, IHV or OEM''?

The loopholes in III J don't specify who is to make the determination as to what constitutes encryption, anti-piracy, licensing, digital rights management, etc. What is to prevent Microsoft from claiming that all of its APIs are critical to one or more of these technologies? Who has the right to overrule them?

IV: Compliance and Enforcement Procedures: Who is to enforce these rules and ensure that Microsoft doesn't continue to flout the law as it has in the past? IV B 3: Microsoft itself has half the responsibility (one of the first two members plus half a vote as to the third member) for selecting members of the oversight committee? Isn't it unusual for convicted criminals to be allowed to select the guards who will oversee them? These committee members, moreover, will be funded by Microsoft and will work at Microsoft's headquarters? It's hard to imagine that any technical committee will end up being a tough enforcer of the law under such conditions. And why is the technical committee prohibited from disclosing the details of any complaints or proceedings, by IV D 4(e)? Let's face it: Microsoft isn't going to change its behavior willingly, and a small number of people chosen by Microsoft, financially beholden to the company and working side by side with company employees, in secret and out of public view, is not going to change anything.

Conclusion: An immediate measure is needed. Since the settlement, Microsoft has already shipped new software which is even more flagrantly anticompetitive than their previous products, and has announced new licensing policies which flout the spirit of all of the proposed settlements. Further deliberation may be needed regarding a strong remedy which will break Microsoft's stranglehold on the market and restore competition to the software industry. If that is the case, please consider imposing

temporary sanctions (perhaps akin to the proposed settlement) to send a message that Microsoft must cease its illegal activities immediately.

For the long term, though, I urge you to reject the proposed settlement as too weak and too riddled with loopholes to do any long-term good. Please consider imposing a much stronger settlement that (1) imposes punishment for Microsoft's intentional and flagrant violation of the law, and (2) imposes real and enforceable guidelines (or structural remedies) which will offer real relief to the millions of consumers and the hundreds of companies who are suffering from Microsoft's current stranglehold on the software market.

Thank you very much for your attention.

Akkana Peck
Software Engineer
549 Arleta Ave
San Jose, CA 95128
(408) 297–5257
akkana@shallowsky.com

MTC–00027243

From: Alexander Bogdashevsky
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:53pm
Subject: Microsoft Settlement Microsoft Settlement is a really bad idea. But you know what, I am not surprized at all... Alexander Bogdashevsky

MTC–00027244

From: Peter Traneus Anderson
To: Microsoft ATR
Date: 1/27/02 9:53pm
Subject: suggestion

I suggest that Microsoft be required to make the .doc, .xls, Media player, and other binary file formats public, so competitors can write format-compatible programs. This eliminates the problem of people being forced to use Microsoft products because someone sent them a file in a Microsoft format.

Peter Traneus Anderson
42 River Street
Andover, MA 01810–5908
traneus@mediaone.net

MTC–00027245

From: BDHER@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:54pm
Subject: Microsoft settlement

Dear Attorney General Ashcroft,

Please settle the microsoft case.We must end all litigation. Let's focus on reviving the economy. Microsoft has agreed to do many things to help everyone.Why not stop all of this now, and settle their case?

We must settle, and settle now.

Sincerely,
Bill and Dorothy Herndon

MTC–00027246

From: Jake Robb
To: Microsoft ATR
Date: 1/27/02 9:57pm
Subject: Microsoft Settlement

I do not feel the need to reiterate the complaints against Microsoft which I am sure you have read or heard thousands of times by now. I want to voice my opinion against Microsoft's proposed settlement. The following web page references several arguments against the settlement. I have read several and agree with an alarming majority of the agruments. I encourage you to read them; they provide excellent coverage of the many opinions against the settlement.

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

I urge you not to approve the settlement.

Sincerely,
Jake Robb
Grand Rapids, MI
Software Engineer

MTC–00027247

From: Steve Wheeler
To: Microsoft ATR
Date: 1/27/02 9:57pm
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement as it currently stands. Microsoft has been convicted of using monopoly power in unlawful fashion. The currently-proposed settlement has fewer teeth than the consent decrees that Microsoft has already ignored. Besides there being no significant penalties applied, the decree allows Microsoft to use its desktop monopoly to leverage access to and control of further markets. There is no recourse to this, because all Microsoft has to do to remain compliant with the settlement is to state that whatever feature they use to provide such access and control is defined to be part of the Windows operating system.

Sincerely,
Steven R. Wheeler
4655 Perry Street
Denver, CO 80212

MTC–00027248

From: Janice Wolfe
To: Microsoft ATR
Date: 1/27/02 9:59pm
Subject: Microsoft Settlement

Hello,

As a consumer of Microsoft products, I feel my opinion is noteworthy. Microsoft has been unfairly scrutinized and penalized in the past, present, and may be in the future; however, peer companies who may have needed review seem to have gone unblemished. WhY????????????????????????. Micosoft is ok for me.

MTC–00027249

From: Richard L Steiner
To: Microsoft ATR
Date: 1/27/02 10:01pm
Subject: Microsoft Settlement

I would urge the Justice Department to end the costly and damaging litigation against Microsoft. I believe the proposed settlement is in the public interest. I believe that this settlement serves well consumer interests.

Thank you.

Richard L. Steiner
Consumer

MTC–00027250

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/27/02 10:02pm
Subject: Microsoft Settlement

Geoffrey Feldman
iddlesex Street #8
Lowell, MA 01851
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have thought from the beginning that the antitrust case against Microsoft is wholly and completely wrong. There never should have been a trial in the first place. Antitrust laws are outdated in a global market. The consumer is not protected by legislation that punishes success. Microsoft's opponents claim that Microsoft holds a monopoly on the technology market. I submit that such a monopoly is impossible. Computer technology is based on innovation, and innovation is driven by ideas. Ideas cannot be monopolized.

Microsoft's supply of ideas comes from its programmers, and its programmers are by no stretch of the imagination bound to Microsoft for eternity. They are free to leave to work for other companies or to start software businesses of their own, and often do so. This hardly denotes monopolization of creativity. When Microsoft succeeds in the computer industry, it does so because it is competent, not because of some sinister conspiracy to barricade other companies'' progression. Furthermore, Microsoft relies on other companies to manufacture its hardware. This is also not indicative of monopoly. Microsoft may enter into exclusive contracts (although such will no longer be permitted under the settlement), but this represents an agreement reached between two responsible parties, and what they do is their own business, as far as I am concerned. Indeed, there is nothing private or secret about Microsoft's software. The settlement requires open sourcing, but that does not mean that Microsoft code was entirely inaccessible before. Any determined developer or programmer, given the time and the drive, could have figured out what Microsoft was doing long before now. Microsoft is not an icon of oppression; rather the corporation stands for freedom. Apple is, in contrast, more monopolistic, although less successful than Microsoft. Apple has control over manufacture of hardware as well as software, and has no intention of opening up the market. It has ceased to innovate because it hasn't had the need do so. Apple works with Apple alone; it has neither diversified nor made outside contracts, and yet it is not nearly as successful as Microsoft is. Even quasi-monopolistic practices are bad business. Monopoly does not mean success, nor is the inverse the case. IBM was once dominant in the market, much as Microsoft is today, and they lost a great deal of consumer support when Microsoft began putting out their product. IBM may regroup and begin to compete head-to-head with Microsoft again in the future, and I would gladly welcome such an attempt. Tough competition breeds better products and a greater degree of innovation.

The consumer benefits from competition between companies of similar strength, and I say more power to anyone who wants to come up against Microsoft.

I am appalled at the claims that have been made in order to bring Microsoft to trial. They are clearly unfounded and irrational. I believe in a kind of business Darwinism: the stronger the product, the better chance there

is of survival. I do not think it is wise to protect businesses from the harsh realities of tough competition. It does not benefit the consumer to have weak companies thrust into the market and given advantages they have not earned. This case has gone on long enough, and the greatest harm it has done is to the technology industry and the economy. Computer makers and users are scared to make a move until this case gets resolved, and it is crippling production and sales. Moreover, the case has had a tremendous financial drain on the economy. You can track the litigation across the years by looking at the NASDAQ. The longer the suit lasts, the lower the numbers get. This is not rocket science, Sir. I do not believe Microsoft is guilty of anything more than success in a fast-paced industry. I agree that Microsoft is tough, and provides a higher challenge for its competitors to meet. I would rather see the challenge met and a stronger company to emerge than Microsoft's creativity stultified and the incompetent companies given the chance to invade the market. Again, I am outraged that the case was ever brought in the first place, but I prefer settlement and a return to business than painfully redundant litigation. I urge you to support the settlement and allow Microsoft to get back to business. At this time, the jusctice department pursuit of Microsoft is causing me hardship through its disruption of the computer industry. This will only be relieved by the justice department concluding this matter in the most expeditious way and one most favorable to Microsoft.

Sincerely,

Geoffrey Feldman

MTC–00027251

From: Todd Harrell
To: Microsoft ATR
Date: 1/27/02 10:03pm
Subject: Consumer Concerns about MS Settlement...

Dear DOJ,

My name is Todd Harrell and I wish to submit my comments regarding the MicroSoft case. Let me preface my comments by pointing out that I have used personal computers since 1983. I have used several platforms and today use a combination of both Windows and Apple based systems. I do not wish to engage in a platform war, each OS has its advantages and disadvantages. My concern is for the future of software development as it relates to my home use, and business use.

It is my belief that the intense competiton within the software industry is the reason software has evolved at such a rapid pace. It is my opinion that the business practices of Microsoft threaten the entire industry. Let me point out that while Microsoft holds a monopoly on Operating Systems, I do not feel that this in itself is wrong. If a product gains dominant market share based on its own merits, I support its position. What concerns me is the predatory lengths that MS has gone through to protect its monopoly.

(1) Innovation: One way I believe MS threatens innovation is with its selective targeting of competition.

Example 1: For several years, I used a presentation package known as Aldus Persuasion. Compared with Poweroint, Persuasion seemed to have a much more robust set of features. Best of all, Aldus corporation aggressively developed this package and each new release had a wealth of new tools and features. In my opinion, Powerpoint was simply an inferior program. It appears that Microsoft simply gave Powerpoint away, and by bundling it with its Office suite, it gained a much higher distribution. While Persuasion was a far superior program with a promising future, it could not compete with MS's predatory practices. Persuasion was finally discontinued. Not only did the loss of Persuasion limited my choice, it cost me financially because I had to adopt Powerpoint as a presentation package.

Since the death of Persuasion, Powerpoint has all but stopped evolving. I use a lot of software (including Powerpoint) an I am used to seeing new features as software is upgraded. Unfortunately, without competition, Microsoft has no reason to develop Powerpoint any further. While most other software continually grows, Powerpoint it essentially unchanged from the versions I purchased 5–6 years ago. Powerpoint is a very crude package with limited functionality. It has certainly not evolved at a rate consistant with most professional software.

Example 2: Word vs. Word Perfect. While the focus of my work doesn't require much word processing, I have used (I currently have licenses of) both products. Simply put, I find WordPerfect easier to use. WP also seems to have a reputation of simply being a better package. As with Persuasion, WordPerfect has all but disappeared in the wake if Microsoft's marketing practices.

(2) Choice: It is my belief that as a consumer and business owner, Microsoft has unfairly limited my choices of software (beyond issues as listed above)

Example 1: For years, I have used Netscape Navigator. Upon the initial release of Explorer, I tried MS's browser for possible use as my primary browser. I simply did not like Explorer, and continued to use Netscape (NN). It seems that in recent years, as Explorer gained market share, NN began having compatibility problems with certain web sites. While I certainly have no proof, I am concerned that perhaps MS's server software or marketing practices have purposely sought to ensure that MS controlled sites or ISP's intentionally ''break'' with browsers other than IE.

Example 2: Ease of use. While I use both Windows and Macintosh, this past year I have used mostly the Windows OS (because of certain software requirements). In my opinion, windows is a more difficult OS to use and maintain. For many network administrators, windows offers a deep, flexible perating system that gives them a lot of technical control. For most of us users though, it is needlesly complex, and arguably obsolete. The Macintosh is strong in the educational community because of its ease of use. School systems can't afford all the network personel required to maintain a PC network. Under the current ''proposed'' settlement, schools will be forced to accept old computers and a Windows standard. Kids will be raised in an environment where only one OS exists. I doubt most school systems will be able to maintain an efficient network based soley on Windows with out spending lots more for the additional support requirements.

I guess I can go on and on. If you recieve this email and wish for me to contribute further, I will list more of the concerns I have. Innovation is everything in this industry. If Microsoft is allowed to continue its practices, otherwise progressive companies will have no incentive to innovate and the entire industry will stagnate. Consumers will be hurt as software stops evolving and MS is allowed to raise prices, restrict use and control an industry and technology founded on innovation. Microsoft is not ethical or responsible with its monopoly. They have hurt the OS market, they are hurting the handheld market and now they are moving into the gaming industry. What's next?

Simply put, I am a consumer, I want choices, I expect innovation. Microft's practice continues to threaten both.

Todd Harrell
Techna Design Studio
Charleston, WV

MTC–00027252

From: Daniel D. Allen
To: Microsoft ATR
Date: 1/27/02 10:06pm
Subject: Microsoft Settlement

It is time to accept the Settlement offered to Microsoft by the Justice Department. It is reasonable, and pushing it any further will only increase the cost to everyone and won't help anything. Betty Allen, 520 Old Post Rd. Tolland, CT 06084. (A Senior)

MTC–00027253

From: Chris Oxenreider
To: Microsoft ATR
Date: 1/27/02 10:04pm
Subject: Microsoft Settlement. (NAY)

To whom it may concern:

I find that the proposed final judgment against Microsoft lacks in a great number of areas. Specifically I wish to highlight these important places where improvement, in my opinion, should be sought.

(1) The settlement is too full of specific industry jargon which may become obsolete or rendered useless within a short span of time.

(2) Microsoft to pay the legal fees for the DOJ. Microsoft has been proven in court to have been a monopoly. It is customary and usual for the party who has been found against to also pay the legal fees of the winning party, including, but not limited to the DOJ and the states Attorney Generals offices involved.

(3) Divesting Microsoft of it's non-software business interests. Microsoft is a monopoly. Allowing it to continue to own, hold or have influence over it's competition (Apple) through direct investment should be prohibited. Allowance for grants and gifts may be allowed provided that they come unencumbered.

Microsoft should not be allowed to own any hardware or service providing (Internet, travel, shopping, video games, print media,

etc) business that is not directly related to it's operating system or applications. Microsoft should be limited to it's software business and not allowed to own or have major holdings (25%) n telecommunications, travel, banking, industrial, utility, or commerce business where it's full weight and power may be used to allow it to gain additional monopoly standing.

Microsoft's interest, in whole or in part, in Internet service providing companies is akin to allowing Standard Oil to continue as it was, but then allowing it to buy companies that make oil using equipment and engineering them to become less oil efficient so as to use more standard oil.

(4) Limitations on Microsoft for the purchase/acquisition of other technologies and companies (world wide). Microsoft may no longer purchase technology or software companies outright. It my license on a non-exclusive basis from those companies.

(5) Inadequate penalties against Microsoft.

No monetary awards have been stated to help those companies that have been hurt by Microsoft's monopoly status (Microware, Netscape, SUN, etc).

(6) Microsoft will be fair and create a ''Chinese wall'' between the Operating system division and the Applications division and only the publicly published API interfaces from the documentation of each may be used to develop software within Microsoft. If the Applications developers can only use the published ''API's from the Operating system developers and vice versa. No unpublished ''faster'' Microsoft exclusive API's will be created.

(7) Inadequate definitions. Examples include Compromised security, and anti-privacy.

(8) Microsoft shall not overly encumber competitive analysis of it's software by unduly restricting it's license agreements to prohibit competitive analysis (for example as Oracle on NT vs Solaris).

(9) No provisions for fostering competitive software creators. There are no provisions for fostering (via monetary penalties) other alternative software and operating systems. Unencumbered university grants and gifts. Grants and gifts to independent software developers, consultants and individuals. Microsoft may license the technologies from the above mentioned, but may not have exclusive right to those technologies.

(10) No provisions for fostering competitive operating systems. Microsoft shall agree to make available the 20 (minimally) most popular software applications for home and the 20 (minimally) most popular software applications for business applications on the top 10 competing operating systems. Said software will be identical to that released for it's own operating system in features. Software for the top 5 competitive operating systems shall be available no more than 90 days after the release for it's own operating system, and no more than 180 days for the remaining operating systems.

(11) Inadequate oversight of Microsoft post settlement.

(1) The TC should be 7 people (1 Microsoft selected member, 3 plaintiff selected members, and 1 designated representative each from the groups IEEE, IETF and NIST [or their successors/assigns]).

(2) Define ''any competitor to Microsoft'' (does that mean any LINUX users)

(3) no provision for input from enlightened public members

(12) Stipulation that Microsoft must adhere no only to the letter of the law but the spirit of the law as well.

(13) Termination should be no less than 15 years and no more than 35 years.

(14) Inadequate stipulations that Microsoft must adhere to international and Internet (IETF, RFC, et all), POSIX, etc [or their successors and assigns] with out rendering them incompatible in the Microsoft implementation.

(15) Inadequate stipulations for opening Microsoft's standards to allow interoperability from competitive software creators with out encumbering non-disclosure, or requisite partnerships or strategic alliances. Example: Opening the standards for .doc and presentation format so a competitive interface to an ''outlook client'' might be created.

(16) Exclusive use of Microsoft owned and or operated information distribution systems as the sole point for the dissemination of data regarding interoperability. The use of a wholly owned Microsoft network at the control of Microsoft to disseminate information about how to create compatible software seems counter intuitive. Minimally, this information should be freely available from a Microsoft supported third party. Information above and beyond what is required by the final judgment may be on Microsoft network for a fee is not unreasonable.

(17) Inadequate allowance for ''open source'' developers to flourish.

MTC–00027254

From: Pooka1@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft Settlement

January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing to respond to the Justice Department's request for comments from the public on the proposed Microsoft settlement. While I am sure this settlement agreement will have its detractors,it seems a reasonable compromise. Hopefully it will bring stability and progress in the software industry.

This settlement offers the opportunity to close the case with certainty. Microsoft has offered a number of serious concessions, including its agreement to open Windows operating systems so that non-Microsoft software can be configured into the system. If implemented, this provision, standing alone, will have an immediate, positive effect on the software market. Please take advantage of this opportunity and settle the case as soon as possible. The public interest will not be served by the alternative.

Sincerely,
Milton Ross
108 Meadowbrook Country Club
Ballwin, MO 63011

MTC–00027255

From: hank henry
To: Microsoft ATR
Date: 1/26/02 1:06pm
Subject: Microsoft Settlement

Hello, I have never sent a letter like this before.I would have never thought it would be necessary.

I used to be a fan of Microsoft, I thought they represented the American dream.i.e.

A group of young entrepreneurs changing the would for the better and getting rich in the process.

Having watched there business practices over the years, and now working in the computer industry, I have a completely different view of Microsoft. They are predators that feel that they are above the law. If any other industry behaved in such a fashion there would be a public outcry. Computer operating systems are harder for most to understand. (If one company owned 95% of the petroleum distribution centers in our country, than started a car company and changed all the fueling nozzles to only fit their car it would not be tolerated) They do not even seemed to have learned by this latest litigation, they seem even more arrogant then usual.

Fair competition is good for our economy and society, abusing a monopoly to stifle competition is not.

Thank you for time
Hank Henry

MTC–00027256

From: Ralph Alberti
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft Antitrust Agreement

I implore you to move beyond this settlement and let Microsoft continue to go about its business of creating products that benefit us all.

Ralph Alberti

MTC–00027257

From: Frank Disparted
To: Microsoft ATR
Date: 1/27/02 10:08pm
Subject: Assalt on Microsoft

I Microsoft has been a great benefit to me as a user of their products. They produce the best and have made a standard for the industry, if you remember a few years ago when one could spend hours trying to make a new program work. I thing the people bringing charges against Microsoft are fishing for money. The other competitors cannot keep-up and are leaning on the Government to help them compete. It is shame an American Company leading the world get stabbed in the back form it own government. Would everyone be happy if we shipped Microsoft to China? Shame shame shame.

Frank L. Disparte
Kiwanis Club Huntington Beach
Ocean View Key Club Advisor
fldisparte@pobox.com

MTC–00027258

From: Mickey Roberson
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Matter

Dear Attorney General Ashcroft

I am retired now, but in my working career I labored at a large company for others and finally as the owner of my own company. I understand how business works and there are occasions when the Federal and State governments do have a stake in how a business conducts its affairs. Unabashed polution of the environment, negligent disregard for workers'' safety, underage and illegal immigrant labor come to mind. However, this Microsoft prosecution has been wrongheaded and bogus from the start.

Microsoft being charged as being monopolistic is ridiculous and I am living proof of that. In my life with computers I have owned SIX Apple laptop computers and ZERO computers that use any Microsoft products at all. To the best of my knowledge I have never contributed one cent to the revenues of Microsoft or the personal fortune of Bill Gates. I have purchased Apple computers with ease as well as the software to operate them and am perfectly happy with my computing access, so how in the world can Microsoft be a monopoly if I have nothing to do with them. If someone does not like Microsoft, just buy an Apple like I have.

The only thing I know about Windows is that it is an operating system I do not need, use or want. My understanding though is that Microsoft has agreed to share some sort of protocols or proprietary information that would help its competitors benefit from Microsoft innovation and market penetration and that seems reasonable enough to me to settle this prosecution that should never have taken place to start with.

This Federal prosecution and the resulting original decision are to me the seminal events that started the plunge of the NASDAQ and the fall of the value in many technology stocks, which by the way has cost me many thousands of dollars in the value of my retirement savings. This plunge has also cost hundreds of thousands of people their jobs, resulted in I am sure billions of dollars of loss to our general economy and a tremendous reduction in the tax dollars flowing into the federals coffers as revenue. It seems almost insane for the U.S. government to attack one of its largest companies which was the world leader in an area in which the only direction seemed up. Some foreign governments give monetary support to their own companies in an effort to compete with U.S. companies, but here with Microsoft the Federal government is trying to destroy a U.S. company. Since Microsoft was not, is not and cannot be a monopoly, it would be interesting to know why Janet Reno and her associates really prosecuted, but I will not hold my breath waiting for the truth as that will never be known.

Please Mr. Ashcroft, halt this persecution and reach some sort a settlement that will allow the technology sector of our economy to begin to recover where common citizens can go back to work in this sector and help bring us out of this recession. To continue this prosection or end it with some draconian destruction of Microsoft with only worsen the economy, cause more bankruptcies and cost more thousands of workers their jobs. Bill Gates has been humbled. U.S Senators and Representatives have had plenty of face time on TV. Enough damage has already been done, please no more.

Sincerely yours,
Mickey Roberson
Atlanta, GA

MTC–00027259

From: FRED21@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:17pm
Subject: Microsoft Settlement

Gentlemen:

PLEASE LEAVE MICROSOFT ALONE. THEY HAVE BEEN HOUNDED ''ENUF. I HAD A COMUTERBACK WHEN I HAD TO HAVE SOMEONE PROGTAM IT FOR ME ''TILL BILL AND HIS CREW CAME ALONG AND GAVE US A PROGRAM THAT EVERYOND COULD USE. A REAL STANDARD.

MTC–00027260

From: Sudeep Gupta
To: Microsoft ATR
Date: 1/27/02 10:19pm
Subject: Microsoft Settlement

To whom it may concern, I am an avid user of Microsoft products, but I do not agree with the Department of Justice's settlement agreement with them.

Microsoft engages in predatory pricing, locks out competition to their products by leveraging their monopoly in other fields, and even behaved appallingly during the trial— faking video-taped evidence, lying about statements (such as claiming they don't track ''market share''), and other issues. It surprises me that the settlement is so favorable to them. I am concerned that the settlement does nothing to address the fundamental problem that Microsoft can leverage their monopoly in operating systems, business software, and their growing influence with media and Internet content to bolster their control in any of the other business spaces.

Please reconsider the proposed settlement, and develop a plan that will actually benefit consumers and prevent Microsoft from engaging in illegal business practices.

Sincerely,
Sudeep Gupta
6209 Monticello Drive
Frisco, TX 75035
972–712–1020

MTC–00027261

From: John Eure
To: Microsoft ATR
Date: 1/27/02 10:20pm
Subject: Microsoft Settlement

Please reject the proposed settlement in favor of one that will actually prevent Microsoft from continuing to illegally exploit its monopoly. At a minimum, this should require them to offer all of their desktop programs (Office, for example) for MacOS and Linux (the only other significant desktop OSes), and to offer all of their server programs (IIS, for example) for Linux, Solaris, and several other varieties of UNIX (the only other major server OSes). By requiring them to provide applications support to their major OS competitors, you will prevent them from leveraging their OS monopoly into a number of applications monopolies, as seems to have already happened with word processing, where MS Word is the default standard. (By the way, all this could also be accomplished by braking the company up into OS, applications/hardware, and networking divisions.)

I urge you not to cave in to Microsoft's continuing whining. The US economy cannot afford to support the dead weight of a monopoly for any longer. Competition equals a healthy free market, and a monopoly provides neither. If Microsoft's punishment is inadequate, I fear that its straglehold on the stagnating US tech market will drag our economy into a deep and long-lasting depression.

Thanks,
John Eure
(a US citizen, registered voter, and computer scientist)

MTC–00027262

From: David Walser
To: Microsoft ATR
Date: 1/27/02 10:21pm
Subject: Microsoft Settlement

I believe the proposed settlement in this very important trial is not in the public interest.

First, the settlement doesn't go far enough in preventing Microsoft's further abuse of its monopoly for continued monopoly maintenance. Through its control of the technology and licensing, Microsoft is able to make its software widely used. For software such as Office and Media Player, Microsoft controlled file formats become entrenched, and interoperability becomes crucial to users who wish to use non-Microsoft software. Microsoft's ability to control these file formats through control of the technology and licensing allows them to hamper attempts by makers of alternative software to interoperate with these file formats. An effective remedy, that would reduce the barrier to entry for competing operating systems, would require Microsoft to make full specifications to these file formats openly available to the public, in advance of the release of the Microsoft products the formats are to be used with. They should also be prohibited from using Intellectual Property laws such as Copyright and Patenting to get around this requirement. When Microsoft argued their Copyright allowed them to completely control the desktop shipped by OEMs, the Court already shot down this argument. The file formats should be completely open with no limitations, which brings me to my next complaint about the settlement. It relies heavily on the use of ''Reasonable and Non-Discriminatory'' (RAND) licensing of technologies for which Microsoft is required to cooperate with the industry. Unfortunately, as has been discussed recently at the World Wide Web Consortium (W3C), RAND licensing can't avoid being discriminatory, as it's incompatible with Open Source licensing (as defined by the Open Source Initiative, http://www.opensource.org/). As Open Source software is the only credible competition to Microsoft currently, this is a very big problem. The remedy should rely on no provision which lets Microsoft only cooperate with commercial entities, and

should be careful that Open Source software can benefit equally.

Another problem with the proposed settlement is it is very vague, and gives Microsoft too much power over carrying out the provisions of the settlement. A remedy should be very clear about what Microsoft must do, and cannot do. It should be very clear where authority lies in carrying out and enforcing it, and that authority should not lay in the hands of Microsoft's directors. There are too many places in the proposed settlement where exceptions are defined, and Microsoft gets to decide when those come into play. As should be obvious from the last settlement reached between Microsoft and the DOJ, exceptions and loopholes should be kept to a minimum. The exceptions in the current proposed settlement reduce it to almost nothing.

Finally, the biggest problem with the proposed settlement is it lacks an effective enforcement mechanism. Under its terms, Microsoft could more or less ignore it, with no real penalty. An appropriate remedy should be careful to address this.

MTC–00027263

From: Daniel Brewer
To: Microsoft ATR
Date: 1/27/02 10:16pm
Subject: Microsoft Settlement

I object to the settlement with Microsoft as it is currently proposed. The settlement is a step in the right direction, but it is not sufficient to stop the harm that Microsoft's monopoly inflicts on consumers and competitors. I believe that it would leave Microsoft basically intact and with too much room to evade the settlement's provisions. Also, it would do too little to end the barrier to market entry that Windows'' existing applications hold against all other operating systems. Further, the settlement would not end the barrier to entry that Windows'' boot loader enforces against other operating systems.

I believe that we must have public proceedings under the Tunney Act to give consumers a voice in creating a fair settlement.

Thank you for your time in reading this message.

Daniel Brewer
503 SE 12th Ave Apt #11
Portland, OR 97207
(503)231–8977

MTC–00027264

From: tfeazel@&fxsp0one.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:19pm
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,
Terry Feazel
7195 Wyandot Lane
Middletown, OH 45044

MTC–00027265

From: BSSklavier@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:23pm
Subject: Microsoftsettlement
To whom it may concern,

As a consumer of microsoft products I think they should be lauded—not persecuted—for what they have done. Please leave microsoft alone. They should not be punished for the good job they have done.

Our country did not fight Communism in Europe and Asia only to bring it here in this antitrust; read harassment, case against Microsoft and its brilliant, humanitarian creator, Bill Gates.

Please praise microsoft instead of attacking them.

Bradley Sidman
CC:activism@moraldefense.com@inetgw

MTC–00027266

From: Paul Olofson
To: Microsoft ATR
Date: 1/27/02 10:24pm
Subject: Microsoft Settlement
Attn: Department of Justice

In response to the DOJ's unwarrented assault on Microsoft, I would like to contribute the following points.

Item 1)

Price of Operating System

US Government—The US Government claims that Microsoft should only charge $45 for their operating system. Their current price gouges the consumer.

Reality—Out of the several of operating systems on the market, Windows is priced competitively. Microsoft had 2,600 people working on Windows 2000. They spend 6 billion a year on R&D. They should be allowed to charge a price that consumers think the product is worth and to run their own business. There is a free operating system named Linux on the market. You can pick up a popular version of this free software at CompUSA for about $80. The judge in the Microsoft case seems to think that Microsoft should charge less than the free operating system. Additionally, lowering the price would improve market position, an idea the US Government opposes.

Item 2)

Microsoft gave away Interned Explorer to try to put Netscape out of business and dominate the internet browser market.

US Government—US Government claimed that Netscape was severely damaged by MS because Netscape also had to give away its browser to compete, thus depriving NetScape revenues and a chance to compete in the marketplace.

Reality—This point is contrary to the first item of MS overcharging consumers. What better deal for consumers than free? During the trial, the value of Netscape went from 5 billion to 10 billion when it was finally acquired. How can a company be put out of business if it was valued at 10 billion dollars? Using US Government logic, the real culprit would be America Online. AOL, the dominant internet service provider, has swallowed up two companies that used to charge for their browsers (first CompuServe then NetScape). Lastly, note that AOL has refused to endorse browser standards. Without these standards companies are forced to spend time and effort on cross-browser development. Since the Netscape browser has refused to adopt these standards, the market share of the Netscape has continued to decline.

Item 3)

Microsoft is a Monopoly

DOJ—Microsoft is a Monopoly due to their percent market share in intel based computers.

Reality—I can remember when DOS 5 and Windows 95 came out. At CompUSA, consumers put their names on waiting lists to buy the new operating systems. Do people do this for OS2, Linux or Apple operating systems? Consumers like Windows at the price offered or they would buy other products. How much market share should MS give up before they are not a considered a monopoly? Who would decide what consumers would have to switch to other operating systems?

MS has 10% of worldwide software market while Cisco has an estimate 75% of worldwide router market and currently is the highest valued company in the world. I guess Cisco is next!

Item 4)

Microsoft stifles innovation

US Government—US Government claims that MS dominance stifles innovation. I don?t think US Government offered any evidence here.

Reality—When I started working as a government contractor in 1989, everyone I know used Lotus and WordPerfect. Over the next couple of years, MS introduced Office for Windows which included a host of features other companies didn?t have. Drag and drop, autofill, autocorrect, outlining and a standard programming language across applications (VBA) to name a few. When my colleagues, in the office of diehard Lotus and WordPerfect users, started using the new releases of Microsoft Software, they as well as myself were happy to have the new capabilities and switched to Microsoft products. Microsoft consistently has top rated products at competitive prices. Please review the following web sites as evidence of this. www.tpc.org http://www.microsoft.com/sql/evaluation/news/default.asp

TPC.org shows that Microsoft is the leader in ecommerce software (database and operating systems) in terms of overall speed and in price/performance. The Microsoft site references the award Microsoft SQL Server has recently won. Most notable is the industry survey of 5,000 businesses as the best business database software.

The list goes on for many Microsoft products.

Item 5)
Bill Gates has too much money.
Reality—I heard that one on CSPAN. ?No one person should have that much money.? Bill Gates owns about 16% of a company he helped start over 25 years ago. That's a crime? Microsoft pays a lot in taxes and employs thousands of people who also pay a lot of taxes and develops great products.
Item 7)
The other bigger question
US Government thinks the US Government should control private companies.
Reality—I am sure everybody would disagree with this fact idea, but the actions of the government prove otherwise. The private sector is the better innovator. Why would anyone want the government deciding what a private company could put in software?
Microsoft invests billions of dollars in R&D every year to find out what people want and how things work best. They use this data to implement these ideas in software consumers want to buy.
Thank you.
Sincerely,
Paul Olofson
4524 Banff Street
Annandale, VA 22003

MTC–00027267

From: lady Bug
To: Microsoft ATR
Date: 1/27/02 10:25pm
Subject: Microsoft Settlement
Dear Department of Justice:
The Microsoft settlement was good, because it allows computer manufacturers to provide competitive services along with Windows without worrying about any negative reactions from Microsoft. Competition is healthy for the economy (quality and price stability) and consumers can actually choose from more choices.
Thank you.

MTC–00027268

From: ZH299@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:25pm
Subject: Microsoft Settlement
To Whom It May Concern I am a 19 year old student in New York. I am currently studying in the field of Information Systems. This United States vs Microsoft case affects not only those in the field already, but those who plan to pursue a career in computers and those who use the products on a day to day basis.
I think that the case against Microsoft should be left alone because if more smaller companies are allowed to come in, it can hurt the economy even more. I think they should be left alone because they are a closed market space, if smaller companies came up and made products and made it free or sell it cheaper, the stocks would go down drastically. It wouldnt be an unhealthy competition because Microsoft products are already settled and proven. We have already seen disasters that have shaken the economy. We do not need a technology disaster on top of all that has occured. Everyone is used to the products that are being used currently; that a change might not be appreciated greatly.
Thank you for allowing me to share my input.
Sincerely
Zohra Habib

MTC–00027269

From: Reed, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 10:23pm
Subject: Microsoft settlement
I do not believe that the ''Anti-Trust'' laws in this country are in the ''public good''. I think they only prop up companies that can not compete in the market, and, in so doing, prop up prices which would otherwise be lowered by a more pure form of competition.
I also think that asking the public what is in there own best interests will yield you nothing but 250 million different best interests.
Eric Reed

MTC–00027270

From: Robert Ripley
To: Microsoft ATR
Date: 1/27/02 10:27pm
Subject: Microsoft Settlement
Dear Mr. Ashcroft:
Please see letter attached.
Sincerely,
Robert Ripley
1O507 View High
Kansas City, No 64134–2448
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I am writing to express my support for Microsoft in its antitrust case. In November 2001, Microsoft agreed to settle the case. There are many provisions that Microsoft has accepted that make a strong case for accepting the settlement.
Microsoft has approved the sale of its products, at an equal price for all, to the leading 20 computer makers. Not only this, but Microsoft has granted rival software developers open access to Windows and other documents relating to Microsoft products. These are only two of the many areas in which Microsoft has agreed to compromise.
I believe that the terms of the settlement with Microsoft are liberal towards their rivals, to-say-the-least. The Justice Department should take this historic opportunity to end this antitrust case and let all sides involved move on to bigger and better endeavors.
Thank you.
Sincerely,
Robert Ripley

MTC–00027271

From: Aps42616@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft settlement
I believe that the Microsoft organization should not be split up or be subjected to any division such as AT&T. This will only confusion prices of soft ware will increase and any service will be subjected to fees.

MTC–00027272

From: James E. Swain
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft Settlement
It is outrageous that Microsoft should have to be involved in any ''settlement!'' The executives and employees of Microsoft should be praised for the tremendous wealth they have created—not vilified for their success.
The Justice Department and law enforcement agencies should only be concerned with Microsoft if there have been violations of the rights of others. Since there weren't any, Microsoft should be left alone to do business as they see fit and continue to create wealth.
James E. Swain, Ph.D.

MTC–00027273

From: Eileen J. Palumbo
To: Microsoft ATR
Date: 1/27/02 10:29pm
Subject: Microsoft Settlement
Please get this settlement done with now. Microsoft has already agreed to the settlement terms and is trying to cooperate fully with the Justice Department. No one wins by dragging this out and only more money is being spent by a government that is pouring billions into the economy and defense. We don't need to be spending money on a case that should have been settled months ago.
Eileen Palumbo

MTC–00027274

From: annepattex@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26pm
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,
Anne Teixeira
1743 N Wintook Dr
Ivins, UT 84738

MTC–00027275

From: Bob W. Nix
To: Microsoft ATR
Date: 1/27/02 10:30pm
Subject: Microsoft settlement
Don't drag this out any longer as it will only punish more consumers. Settle with

Microsoft and get on with it! Let the free enterprise system work

Bob Nix

MTC–00027276

From: Greg Wojcik
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft Settlement
CC: Gregory L. Wojcik Ph.D.
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Gregory Wojcik
7145 Hihn Road
Ben Lomond, CA 95005

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.

Dr. Greg L. Wojcik
7145 Hihn Road
Ben Lomond, CA 95005
Phone: (831) 335–4670
E-mail:greg@ca.wai.com

MTC–00027277

From: Jason G. Fleming
To: Microsoft ATR
Date: 1/27/02 10:30pm
Subject: Microsoft Settlement

I am AGAINST the proposed settlement. Microsoft cheats. They are GUILTY, and a break-up is the only useful remedy.

Jason G. Fleming
North Carolina State University, USA
http://www4.ncsu.edu/jgflemin

MTC–00027278

From: Wilbur Goodwin
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: MICROSOFT SETTLEMENT
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

In accordance with the review and comment provisions of the Tunney Act, as noticed in the Federal Register, I am most appreciative of the opportunity to provide my comments pertaining to the proposed Microsoft Settlement. These comments are provided in addition to those previously provided by me in my email to you dated January 5, 2002. My comments are provided for your serious consideration as follows:

I recently learned that AOL-Time Warner (AOL-TW), through its subsidiary, Netscape Communications Corporation, filed suit against Microsoft this past Tuesday for alleged anticompetitive conduct regarding its browser, charging that Microsoft's Internet Explorer (IE) browser illegally harmed Netscape Navigator's (NN) browser. This is absurd! I find it most ironic that AOL-TW purchased Netscape Navigator for $10 billion in the midst of the Department of Justice trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share !! I fully concur with that evidence because I have both browsers installed on my personal computer, which I use every day, and I can assure you that I use IE almost exclusively because of its comparative speed, efficiency and overall reliability. I seriously question AOL-TW's motive for their ill-timed, ill advised decision. In my humble opinion, this latest legal move by AOL-TW appears to be an attempt to once again retreat from the rigors of competition to the safer confines or the courtrooom, where the company is obviously much more comfortable. I am most disappointed, though not surprised, that AOL-TW has again chosen litigation over some other much more constructive resolution to this matter. I firmly believe that Microsoft has consistently tried to work more closely with AOL-TW in a variety of areas, including improvement of instant messaging interoperability, getting fair and open access to AOL-TW's dominant cable assets and partnering in technology standards that are key to developing future innovative technologies.

Based on my knowledge and belief, AOL-TW has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers, shareholders and the technology industry, and has turned to politics and litigation instead, a most cost-inefficient process for all concerned!Furthermore, more litigation is the last thing that consumers, shareholders and the industry need. AOL-TW and Microsoft both need to focus on market competition and technical cooperation that will make consumers'' computing experiences easier, more efficient and more enjoyable, rather than spending more needless time and resources in the nation's courtrooms. It is my firm conviction that if AOL-TW would focus their efforts, energies and R&D funding on innovation rather litigation by acquiring, nurturing and maintaining a technical staff of highly skilled manpower resources, as Microsoft has, they would not have to resort to such needless litigation and the federal courtrooms! Moreover, it is my opinion that If they (AOL-TW) can't compete on their own merit in this arena (internet browsers), then they should reassess their business strategy and pursue another course of potential opportunity!

I am not only disturbed, but I am appalled, by the timing of the AOL-TW lawsuit. I simply can't help but believe that AOL-TW's lawsuit was calculated to undermine the proposed settlement achieved among Microsoft, the US Department of Justice and a bipartisan group of State Attorneys General in the original antitrust case! Let it be known that I fully support the proposed settlement between Microsoft and the US Government. I believe this proposed settlement is more than fair to both Microsoft and its competition, and I sincerely hope that there will be no further action taken against Microsoft at the Federal level. This proposed settlement has been reached after extensive negotiations, and allows Microsoft to continue designing and marketing its innovative software, while benefitting the technology industry as a whole.

Microsoft has pledged to carry out all provisions of this proposed settlement, and the US Government has created a technical oversight committee to ensure Microsoft's compliance therewith. I sincerely believe that this proposed settlement will benefit everyone—the economy, computer industry, consumers and shareholders. Furthermore, I believe it will be most productive to allow Microsoft to devote all of its available resources to innovation, something it truly excells at, rather than further needless litigation. By ending this needless and futile litigation, in my opinion, AOL-TW can also cut its ''losses'' as well and get back to the basics. Truly a win-win situation.

Accordingly, I strongly urge you to do everything in your power, legally possible, to ensure that the proposed settlement is finalized and executed in the most expeditious manner.

Thank you for the opportunity to provide comments on this matter.

Wilbur L. Goodwin (Retired)
104 Emerald Lake Road
Columbia, SC 29209–4243
Email Address: jgoodwin3@sc.rr.com

MTC–00027279

From: David Zdanowicz
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: Microsoft Settlement needs adjusting

I am an (ISV) Independent Software Vendor, in the computer arena since punched cards and paper tape days. I have used competing products (non Microsoft) for DOS and Windows desktop development for

over 20 years. Borland's Turbo Basic totally ruled in quality, speed, etc, over Microsoft's Quick Basic.

Result: Quick Basic had to be improved. I do remember the incompatibilities Microsoft introduced in Windows 3.1: DR DOS , later Novell DOS 7. 1996 Caldera v. Microsoft antitrust lawsuit. DOS API ?s were used to call up the services of the operating system.

As for the Windows world, I do not use any Microsoft development tool. I've found better ones. FREEDOM OF CHOICE IS WONDERFUL. Microsoft still sells plenty of desktop OS's for which I will continue to develop for. HOWEVER non-documented API calls (section III. B.) DEFINITELY HINDERS COMPETITION by wasting time correcting the behavior of the Windows API. Perhaps Microsoft could afford a messily $10 million/yr to an INDEPENDENT organization to better document THEIR UNDOCUMENTED API. III

Definition A—SHOULD define ''' to mean the interfaces between application programs and the operating system; NOT just the interface between Middleware(definition J) and Windows. 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). ADD: Office Products and Outlook, preferably delete Middleware terminology altogether.

III.J.2 Exceptions

Microsoft seems to be able to cut off information given to projects such as Wine (runs some of Microsoft's API calls). Projects like Linux's WINE should also be supported with some donations ? Supporting free enterprise. Microsoft should feel honored that their interface (desktop) is so popular. Requiring ''Windows software'' to be run on a ''Windows operating system'' should be totally denied (from some of their C++ licensing).

David Zdanowicz
Windows and Web Developer
Florida

MTC–00027280

From: ELmdOrReNatA@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Ronald Ramasami
Suny Stony Brook Student
Elmony, NY
11003
1/27/02

Upon hearing the settlement in the United States v. Microsoft case, as a concerned college student and computer science major hopeful, I was personally dissapointed to hear that Microsoft recieved such a lenient settelment. Although the the courts decision allows for open competition among browsers, media tools and other software applications the settlement does virtually nothing to displace microsoft windows as the worlds leading OS. With Microsoft now under the microscope of the federal government its underhanded dealings against other OS competitors will be thwarted. However, since millions are already comfortable with Windows, why should they change? They wont. Microsoft windows will continue to be the dominant OS and through this system Microsoft can continue to manipulate and distribute any application they wish as was evident with their internet explorer browser. In order for Microsoft to be put in check one must go for the heart, and the heart of Microsoft is windows.

MTC–00027281

From: Gruetzner
To: Microsoft ATR
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

This comment is submitted in accordance with the provisions of the Tunney Act concerning the proposed settlement of the prosecution of Microsoft, Inc. (''Microsoft'') for violations of the Sherman Antitrust Act.

I am a private consumer of computer hardware and software products. I own no stock nor have financial interest in Microsoft or in any of its competitors (exept as may or may not be held by mutual funds I have invested in).

Microsoft has been found guilty of violating the Sherman Antitrust Act. However, the proposed settlement does not end the monopoly Microsoft has in operating systems, office applications, and internet applications. In addition, it does not deprive Microsoft of its gains achieved through its illegal practices.

Any reasonable settlement must provide for the establishment of significant competition in operating systems, in office applications, and in internet applications. It must separate these three activities of Microsoft, and provide that any combination of Microsoft and non-Microsoft software, internet applications,and operating systems may be run at the consumer's discretion.

The Justice Department should ensure that the court hold public proceedings under the Tunney Act which give citizens consumer groups, as well as Microsoft's competitiors and customers, an equal opportunity to participate.

Thank you very much for your time and consideration.

James K. Gruetzner
c/o 9407 Shoshone NE
Albuqueruqe, NM 87111
(505) 844–9508

MTC–00027282

From: ronsumner
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement in the Microsoft antitrust case should be approved by the Court. It is my opinion the agreement appropriately safeguards against future antitrust violations. I believe the continuing of this case through trial will not result in any better of a result than what is provided for by the settlement. The settlement will impose numerous obligations on Microsoft. Microsoft will be required to disclose portions of its code to its competitors. They will also grant computer manufactures the right to configure Windows in such a way that it will be easier to run non-Microsoft programs while running Windows.

These changes will result in restored competition. If steps are taken to restore competition, there should be no further prosecution of the antitrust case.

Thank you for your time and attention to this matter.

Sincerely,
Ron & Joanne Hyland
15114 74th Street E.
Sumner, Washington 98390

MTC–00027283

From: Strgaze777@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: MicroSoft proposed settlement

My opinion of this proposed settlement is that MicroSoft wins again with very little or no punishment for the monopoly that they have been convicted. I see no long lasting effect by instituting this settlement and they will be free to continue the monopoly with little interference from the government. I would strongly urge a punishment with some real teeth in it that would limit their ability to continue business in the same way they have gotten away with for years.

Doyle Rogers
Terrebonne Or

MTC–00027284

From: —
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement.

Microsoft Settlement.

My name is Dong hyub Cho. I would like to talk about my opinion with Microsoft and U.S. Microsofts monopolized most of the world market, thus many problem are generated. The big problem that we can consider is that a right of consumers who want to choose their taste of verity things was lost by Microsofts.

Second, as Microsofts sells their product with explore and media player, products such as internet surfing and multimedia ones made by other companies sustain a loss. By according to EU's opinion, intentionally Microsofts is designed not to work software made by other company in Window products well, so Microsofts limited competition with others.

Last, by according to security professor who works at IT, personal information in computer can be hacked easily. Whenever many people surf internet, usually they use Explore program in windows. If the cookies that contain personal information were stolen away, cracker can steal someone's money from bank.

Even though, at the beginning time, when window 3.0 appeared in the world, there are other O/S that people can use in their

computer, the reason Why Microsofts can monopolize their field is simple. The answer, why Windows products are used by many people is that those are good and easy for public.

But nowadays, we lost our right to choose O/S and there are some problems which I mention above, so I think that huge dinosaur, Microsofts must be divided, as if AT&T was divided. I understand that in these days, U.S. economy is not good and if Microsofts is divided, there are no advantages to help for economy to be active; however viewed in long time, it will be good for both of the public and economy. Through many competitions with companies, the public can use their program with cheap and good quality.

I think that if O/S such as LINUX or P/S elevate their program for the public to approach more easily and Microsofts is divided with, naturally both of the public to use computer and government can find solution and live with good computer communicate life.

MTC–00027285

From: John Gilmore
To: Microsoft ATR,gnu@toad.com@inetgw
Date: 1/27/02 10:37pm
Subject: Microsoft settlement

I think the proposed settlement of the Microsoft antitrust litigation is a travesty of justice.

Whether or not Congress defines ''being too successful'' as a crime, it is clear that there are MANY, MANY things that Microsoft did that were crimes—such as threatening DEC with cancellation of their Windows license if they released a competing product. Such as signing a contract with Sun that said they'd only release compatible Java products, then deliberately breaking the compatability in their release. Such as their current nuisance suit against competing OS vendor Lindows, when there are hundreds of products that even include the literal word ''Windows'', about which Microsoft hasn't complained. They continue to use their OS monopoly as a way to leverage themselves into other businesses, such as file sharing, credential storage, and digital rights management.

Even the actions that they propose to take to ''remedy'' their past monopolistic acts are monstrous—such as ''giving away'' millions of copies of (zero marginal cost) software to schools, so that even more students can be trapped into the Microsoft monopoly at even younger ages.

The proposed settlement should be REJECTED. The honest prosecutors, if there are any left on the case, should stall the case until a non-corrupt Presidential administration is in office and they can resume the case. ''The fix is in'' in this Administration.

John Gilmore

MTC–00027286

From: Aaron Zinman
To: Microsoft ATR
Date: 1/27/02 10:36pm
Subject: Microsoft Settlement

I am horrified at the lack of judgement on the real methods of pursuing a monopoly that the judgement does not address. While the judgement does require middleware to be removable from Windows, it does not take into account the fact that your average user will not do that. The average user will use what is installed in their computer, which is all proprietary software. Microsoft is attempting to levy its relationship on all types of file formats, wether that be using ActiveX instead of Java, which only works in Windows, windows media formats, which barely work on the mac side and have no other ports, or Microsoft Office documents that have file format standards that can be quite difficult to import/export with 100% accuracy. On the networking side, they force horrible/insecure products with all non-documented proprietary protocols upon networks creating a nightmare for network administrators to truly create a cross-platform environment without having large amounts of ''Microsoft Solutions''. Now with .NET, they are going to attempt to force everyone to pay yearly licenses for software, a practice never heard of before, to access products over the web to make it seem open; however, in the end the addition of Windows-only based controls and support will force people to again use Windows.

I hope that the American justice system will actually withhold its principle values and see the modern day Standard Oil to its proper place.

Aaron Zinman
618 Sausalito Blvd
Sausalito, CA 94965

MTC–00027287

From: neal uhlich
To: Microsoft Settlement U.S. Department of Justice
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Neal Uhlich
120 Canterbury Dr
Carrollton, Ga 30117
January 27, 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,
Neal Uhlich

MTC–00027288

From: Lynn3454@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:38pm
Subject: Microsoft Settlement

Please read the attached letter.
2626 E Broad Street
Bexley, OH 43209
January 27, 2002
AttorneyGeneral John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington,DC 20530–0001

Dear Mr.Ashcroft:

We are writing this letter to convey our outlook on the suit against Microsoft. We believe that the suit has put a shroud over the free-market. The settlement that was reached between Microsoft and the Justice Department will provide the consumers with more choices and let them decide what the best product is.

This settlement was arrived at after extensive negotiations. Allowing further litigation will mean the waste of time and money invested in drafting the agreement. The settlement guides Microsoft to provide its competitors with information regarding the development of its products. Microsoft has also agreed not to retaliate against computer makers that may ship software that would compete with its Window operating system. We urge you to put an end to this costly litigation, as the taxpayer cannot continue to afford such expenditures. It is strongly suggested that you move to finalize the settlement.

Sincerely,
Edward & Marilynn Hilt

MTC–00027289

From: Mtbarri@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:35pm
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,
Marie Barattucci
1756 Conifer Avenue
Kissimmee, FL 34758

MTC–00027290

From: jsober@christcom.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:37pm
Subject: Microsoft Settlement

Greetings

I feel the proposed settlement is tough but fair. I feel the company is being penalized for being creative and successful, but I certainly welcome competitive creativity when, where and if available. As a computer user my world has been greatly expanded due to programming available to me, a 59 year old.

Obviously this has made for geometric growth in our economy as well. Let's hope this agreement does not send us backwards but opens new doors for more users.

Thank You,
Jimmy Sober
366 S Edward St.
Decatur, IL 62522

MTC–00027291

From: karay@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:36pm
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,
Robert Keagy
320 Greenfield Drive
McMurray, PA 15317

MTC–00027292

From: Ted Brown
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: Microsoft Settlement

I am concerned about the settlements being discussed in the Microsoft Anti-trust case. Every settlement offer I've seen seems to forget that every court ruling has agreed that Microsoft is a monopoly and abused it's monopoly power. This letter is my attempt to classify what I think the settlement agreement should contain. I can't stress how lacking I find the current settlement plan. As a computer professional, the current settlement will do nothing but harm the current market and stifle any future innovation.

Relying upon conduct remedies without strict enforcement will not work. This has been tried with Microsoft before and it didn't work. Microsoft's statements and actions underscore that they do not agree with the courts ruling and will subvert it by any means necessary. The court must supervise Microsoft closely and have strict penalties for non-compliance. Microsoft should have no control over this oversight. The current settlement offer is filled with loopholes that Microsoft will exploit at every available opportunity.

Mostly I think the settlement should focus on defusing the power the Microsoft abused, encouraging competition, and forcing Microsoft to make amends for it's past deeds.

I propose that remedies should affect Microsoft in the main ways: —divest non-core parts of Microsoft that are parts of attempts to monopolize new markets. (Pocket PC, WinCE, XBox, Microsoft Games). —adjust Microsoft's contracts with Original Equipment Manufacturers (OEM). have Microsoft divulge information needed for competition products to interoperate with Microsoft Products. That is, bring competition into the market place. Fines paid to a non-profit association to encourage open source development. Divest non-core MS Assets

Formost, I believe that the rulings should not force a full scale breakup of Microsoft. Divulging portions of Microsoft that aren't core business but are attempts to gain further control and penetration in new markets should be considered. I would consider the X-Box gaming console, and Pocket PC (WinCE), and Microsoft Games as prime targets for divesting. They are not part of the core business so will not harm Microsoft. By removing these ventures from direct Microsoft control, they can be left to sink or swim on their own merits, as free markets are supposed to operate.

Even so, this is the least of the remedies I propose. If the other remedies are enacted, the market might be able to correct for Microsoft's deep pockets. OEM Remedies

The primary remedy must include freeing Original Equipment Manufacturers (OEMs) from Microsoft's control. Everyone has heard of the main OEM's, Dell, Gateway, IBM, Compaq, but this list includes the multitude of small shops that build custom PCs.

The primary tool that Microsoft used to control OEMs was altering the price of Windows. If an OEM didn't follow the Microsoft line, Microsoft would raise it's price for Windows for that OEM. Since OEMs can't complete without Windows, raising the price could directly hurt their profits and marketshare. To couter this, Microsoft should be forced to use unified pricing. The cost of Windows should be based upon the volume sold and on nothing else. Every OEM could see the price and it would be the same for any given level of volume. If you sold 1 million copies of Windows the cost is $x. If you sell 5 million the price might be less, but it's the same for every OEM who sells 5 million copies. Furthermore, Microsoft requires that it's 0EMs support the copies they sell. Since this is the case, Microsoft's agrument that it needs to control ''first boot'' (the users first experience with Windows when they boot a new machine) is a fallacy. Especially since Microsoft no longer allows full install disks to be distributed with new machines (users can't reinstall Microsoft Widows from nothing, they can only restore the factory default settings). If Microsoft does not support the user, then it no longer needs to control first boot. The remedy should allow the OEM to do anything to their installed copy of Windows that an end user can do.

This power to ''do anything an end user could do'' must not be limited. It must specifically include the following powers, so Microsoft can not try subvert the language of the ruling as it did it's earlier consent decree. —OEMS can create Multiple Boot machines, specicially allowing other 0S's to be installed as the default. —OEMS can remove/add icons from the desktop —OEMS can remove/install programs as well as components of Windows. Simply put, an OEM should be able to configure Microsoft Windows in any way open to an educated consumer.

''Multiple Boot'' should be expanded upon, since due to Microsoft, few outside the computer profession have heard of it. There are other Operating Systems (OS) for Intel compatible machines. An experienced user can configure a machine so that it has multiple operating systems and choose which one to run when the machine starts up, with OS chosen as the default (the one that will boot if no choice is made). The strongest OS competitor to Microsoft is GNU/Linux, an open source operating system. The cost of GNU/Linux is zero, it's produced by thousands of volunteers instead of a corporation.

Installing Linux is easy for an educated user, harder for a novice users. It's difficult to get Windows and Linux to co-exist on machine, the process is daunting to normal users. For experienced users (an OEM) it's easy. Once installed, it's easy to switch back and forth from one Operating System to another by a simple reboot. Right now no OEM sells a dual-boot Linux/Windows computer. No OEM offers a dual boot Linux/Microsoft Windows computer because Microsoft's contract with them specifically forbids this. A machine that has Windows on it can not have any other visibile Operating System, that is no way to choose the other operating system. This clause must be removed as it's a primary method that Microsoft uses to maintain its monopoly. If users will not buy machines w/o Windows, but would buy machines that easily allowed them to switch from Windows and another operating system, they should be allowed this choice. Instead, Microsoft abuses it's position to ensure that this option is never given to consumers.

Similarly, Microsoft uses it's doctrine of ''First boot'' as part of it's plans to move into new markets. By removing Microsoft's control of first boot, and giving it to multiple OEMs to control, the market can begin to correct for Microsoft's past abuse. The best thing about this is that control is moved outside Microsoft into multiple hands and the government doesn't have to dictate what can and can not go on the desktop. Microsoft's scare tactics about fracturing the marketplace with non-compliant versions of Windows is just that: a scare tactic.

Open Information

There should be enough open information for a programmer to write programs which

read/write Microsoft file formats and communicate with Microsoft products. That is, be able to ensure that they can create a product that can compete and communicate with Microsoft's Products. I do not mean, as has been suggested by some, that Microsoft should be forced to move it's source code into the public domain. Instead, enough information would be divulged for others to write programs which compete with MS products.

To encourage competition, Microsoft should be forced to fully and openly specify any protocol used to comunicate with Microsoft products. The following should be fully specified:

—Any and All File Formats used by any Microsoft Product. Specifically include Microsoft Office.

—Document all Application Programing Interfaces (API). Any API used by a Microsoft product must be documented. Products can have hidden internal APIs used only by that specific program. Microsoft Windows XP can have hidden APIs, but they can only be used by Microsoft Windows XP. If a separate product (Microsoft Office, Microsoft IIS, etc) uses the API then it must be fully documented. Care must be taken to describe product. A simple definition is if it's available for sale individually it's a product, even if it's offered in a bundle with other products. Microsoft Word is a product even though it's part of Microsoft Office as well. If a something is offered as an optional install, then it's a separate product. If Microsoft currently has part of their website specifically targeted towards it, then it's most likely a separate product.

—All communication protocols must be documented. This includes protocols for networking (including security protocols for authenticating with the network), interapplication communication, and any other method that two individual Microsoft products communicate with each other. (Any protocol that one licensed copy of Microsoft Windows XP uses to communicate with another copy must be fully documented.) Note, these remedies do not include Microsoft having to release any source codes. They do enable other companies to freely products that compete with Microsoft. Microsoft can still compete on pricing, quality, and innovation. Microsoft even gets the head start as they only have to release the specification when the release a product, so Microsoft gets a head start (and has an enormous head start with all it's current programs). Furthermore, this specification is not an onerous burden. It should be part of Microsoft's existing engineering discipline. Much of this data is already available, but it's currently licensed so that you cannot use the information to create products that compete with Microsoft.

After documenting, if a shipping Microsoft product does not conform to the specification Microsoft will have a month to do one of the following: —amend the specification so the given product confroms to the new specification. —release an update to the product so that it conforms. —remove the product from sale until such time as it conforms to the specification.

Remember, Microsoft writes the specifications in the first place, there should be no reason it's products won't comply with their own specifications.

If Microsoft does not comply, then the court should take strict actions for non-compliance. The first action should be a large fine. But, for extreme cases, in the settlement should give the court the option to take the complete source code of the given product and release it into the public domain. If Microsoft claims that it cannot factor out the code for the product for some reason, it should be forced to open all codes until the given product is fully specified. Again, this threat should only be used if Microsoft is found non-compliant with their own specifications and fails to fix them after initial fines. The heavy hand hiding behind the agreement will ensure Microsoft's compliance.

Furthermore, any patent that Microsoft has that covers any part of the released specification must be opened into the public domain. Microsoft has stated that this is unacceptable, but anything less is not an acceptable remedy from the court. Patents are not a major factor in the computer industry, as Software patents weren't even legal until past 1992. Some reading on ''patent abuse'' will show there is wide-spread support for banning computer patents in the industry. This is a narrowly defined opening of specific patents though, not of every Microsoft patent. Only those needed for to implement a given specification would be opened. Otherwise, the court risks having Microsoft open it's specification only to find that it's useless as no one can implement them due to patent issues.

Security should not be a reason that Microsoft can not reveal a specification, even in our current climate. Security that relies upon hiding protocols does not work, it's referred in the security community to as ''Security through Obscurity''. Simply put, it relies upon others not figuring out how you did something as an essential component of security. Someone eventually figures out how the system works, and then breaks it. No matter how well done, a bad design can be exploited. In an open process, focus is put on making the security design sound. This is then implemented. Some implementations even give out full source code so any implementation mistakes can be corrected. A survey (avoiding Microsoft sources but focusing on the security community) will find that OpenBSD, Linux, and Apache have a much better security record than Microsoft Products despite having all their source codes freely available.

But, most importantly in today's current world, multiple implementations are stronger. That is, if everyone uses the same security tools, it's much easier to exploit them. In biology, a genetically diverse population is more resistant to disease. If there are multiple instances of Microsoft's security design, some will be resistant to exploitation. This makes all computers more secure.

Fines

There is little doubt that Microsoft's current net worth is largely due to it's monopoly. As such the fines should be of the same order. This poses a sticky problem for the court to administer a multi-billion dollar fine.

Formost, since Microsoft uses this ''warchest'' to continue it's conquest of it's current markets and extend into new ones, their bank account must be depleted. To avoid the Government administering such a large fine, Microsoft should be ordered to pay out a large percentage of it's case reserves to it's shareholders. This is quite fair, the shareholders loose no value and suffer no harm. At the same time, Microsoft looses the ability to buy it's way into new markets and to buy out it's competition.

At the same time, by it's abusive tactics Microsoft did harm the market. So it should be forced to pay some minor restitution to the defendents listed in the case. This part is lacking in the current agreement.

But, simple restitution is not enough due to the widespread nature of Microsoft's abusive actions. It should be forced to by a billion dollars into a fund which will promote open source development. This will encourage development of software which competes with Microsoft but doesn't support any one company directly. By earmarking some of these funds to the development of educational software it could also help address a national need at the same time. Schools would get access to free high quality software that could be modified as suits them. The fund should stipulate that software written is released under a currently approved open source license. While the fund should support software written for Microsoft Windows, it should require that any software written for Windows also support some other operating system. The converse should not be true, if the software is written for Linux, Mac OS X, Mac OS 9, or any other non-microsoft operating system, it should not be required to support Microsoft Windows. This last fine will encourage competition in the marketplace and help ensure that Microsoft's hold on. the market diminishes.

MTC–00027293

From: Dorianne L Feign
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To whom it may concern;

I think that the government has been too easy on Microsoft, especially since the new administration took over.

I have been in the computer business since 1949 and have never seen such a devastating monopoly as Microsoft in this or any business. They have stifled competition by more than one means. Today, for example, I went to look for computers for some of my clients and couldn't find ANY personal computers that were sold WITHOUT Windows XP (which is insidious, invasive software) and either Microsoft Office or Microsoft Works ''bundled'' with the computer. If these are forced on the purchaser, what normal buyer would go out and buy any competitive software when the Microsoft ''junque'' is included ''FREE!''. What software developer could fight that? There are only a few specialty applications that are sold by any company other than

Microsoft, and I can see Microsoft inching up on them also.

If we don't do something to encourage other software developers, the only choice other than Microsoft will be with the Apple family of computers. And even there, Microsoft is creeping in.

Please take care of Microsoft properly before we have only Microsoft software in the whole world!!!

Dr. David Feign
Computer Systems Consultant
d.feign@ieee.org

MTC–00027294

From: Jason Purdy
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to add my voice to the hopefully growing dissent of the upcoming Microsoft Settlement and how it would benefit Microsoft more than the good of the public. Microsoft has historically demonstrated monopolistic tendencies and the proposed settlement is at best, a slap on the wrist and is not the lesson they need to open the ''playing field'' for current and future competitors in the technology arena.

Thank you for your attention.

Kind Regards,
Jason Purdy
Chief Technologist, Journalistic, Inc.
Cary, NC

MTC–00027295

From: Jay Llewellyn
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement
Jay Llewellyn
323 Highland Farm Road
West Chester, PA 19382
zenjkl@bellatlantic.net
610–738–8476
January 31,2002

Dear sir or madam:

As a computer user I am an interested party to the current anti-trust settlement, and I am submitting comments an proposed actions against Microsoft, which I believe will correct the current situation. My opinions, based on 16 years of industry experience, which include being the former Global Technical Account manager for such PC OEM's as IBM, Digital Equipment, now part of Compaq, Unisys, and Gateway 2000 during my employment by Netscape from April 1996 through December 1998.

Currently I am employed by The Vanguard Group as the Chief Architect for Advanced technology, I do not represent The Vanguard Group for the purpose of this letter, but I .mention my employment as a reference for my overall credibility. During my employment by The Vanguard Group have created a partnership with Microsoft and have worked closely on the development of products and I've been quoted by Microsoft a number of times, http://www.microsoft.com/presspass/press/2001/MarO1/03- 05SupportPR.asp. I mention my relationship with Microsoft to demonstrate that as an former Netscape employee I am not motivated by anything other than achieving a fair and even playing field.

I not only bring an insider perspective on the inner-workings of the PC OEM business, the software industry in general, and the average consumer. I am also aware of the issues faced by a large organization which spends a significant amount of money buying PC's and associated software for PC's. I am confident that I bring a unique and insightful position on the current situation. I have spent a considerable amount of time over the last five years analyzing the existing situation, and have arrived at what I believe, are the most compact, understandable, balanced, and enforceable set of restrictions possible. My goal is not to cripple Microsoft or impose unreasonable restraint, but merely to level the playing field. These restrictions are organized in three groups, the first group address the issues of bundling products with the operating system, the second group is focused on the bundling of products with sale of personal computers, and the third group concerns itself with the publishing of Windows API's.

Restrictions with the Operating Systems for bundling, un-bundling and free The first restriction placed on Microsoft would prevent them from simultaneously bundling products into any or all of their operating systems, and un-bundling the same product by allowing it to be downloaded, or distributed free of charge. Microsoft is retroactively bundling products with all previous versions of their operating system when they allow bundled products to be distributed free of charge. The simultaneous act of both bundling and un-bundling of products creates an unfair advantage based on their monopoly position with operating systems for personal computers. Unless this practice is prevented, it will be impossible, to level the playing field for competitors. Any product from a competitor that is deemed a threat to an existing Microsoft product, or to the operating system itself, can easily be eliminated by the simple action of bundling a similar Microsoft product into the operating systems and allowing the product to be downloaded free of charge for those people who don't have the latest version of the operating system.

As an example, if Microsoft were to bundle Microsoft Money into versions of the Windows operating system and then made the product free to download for everyone who had an older version of Windows it would overnight change the market share for Microsoft Money and it's competing product Quicken from Intuit. How many people would be inclined to purchase Quicken from Intuit at a list price of $49.99, when Microsoft Money is available free? How long would Intuit be able to compete with free, and how long after the demise of Intuit would Microsoft stop aggressively updating the product, or worse start charging for updated tax code information, something that Microsoft was willing to give away when it had competition?

The second restriction placed on Microsoft would prevent the distribution any product free of charge. Because of the Microsoft monopoly for PC operating systems the free of charge distribution is really an implied contract for the bundling of products with the operating system both in the future and retroactively. The implied bundling would drive competition out of the market, and once competition is s driven from the market Microsoft is free to charge anything they chose.

Microsoft has a choice for each and every new product they develop; should they bundled it with the next version of an OS, or should they sell it as a standalone product? Either way a Microsoft product is never available as a free download, except as a trial version or through an early access program, or a similar policy which Microsoft consistently enforces for all products, regardless of price. Retroactive bundling must be prevented.

As an example of how these restriction would be applied, I'll demonstrate using a fictitious Microsoft product XYZ, and a fictitious Microsoft OS version ??, Microsoft develops a new product XYZ version 1.0. Microsoft must make a decision; do they bundle the product with the next variant of their operating system, or do they sell the product standalone now?

Microsoft could not to bundle XYZ 1.0 with a version of an operating systems which had been available prior to the introduction of XYZ 1.0, retroactive bundling is forbidden, in any way shape or form. Microsoft has every right to bundle XYZ version 1.0 with OS version ??, but once the product is bundled with the OS it is not available separately as a freely available download, it is not allowed to be included on CD-ROM's that are provided with computer books. It is bundled with OS version ??, and the only way that XYZ version 1.0 is available is for the consumer to buy OS version ??, or an upgrade to version ??. Normal bug fixes, and minor updates would be allowed to the product, via free download, or low cost CD distribution., which is how it is accomplished today. If Microsoft chose to upgrade XYZ to version 2.0 the only way that Microsoft could distribute XYZ version 2.0 is with the next version of OS version ??, and the only way that the consumer could receive version 2.0 of XYZ would be through the new purchase of new OS version ?? that has XYZ 2.0 bundled, or a purchased upgrade for OS version ??.

If Microsoft chose not to bundle XYZ version 1.0 with an operating system, then Microsoft would sell XYZ as a standalone product. Time limited, or feature restricted versions could be available via download, or possibly included with CD-ROM's included with books, but the full version must be purchased. If Microsoft chose to upgrade XYZ to version 2.0 the consumer could only receive XYZ version 2.0 one of three ways, either through a paid upgrade to the product, purchasing the new version, or purchasing a subscription to the product, but version 2.0, or the upgrade to version 2.0 would never be available via free download. Since Microsoft has many different operating system variants, they could choose too bundle XYZ 1.0 with one or more of their operating systems, but exclude XYZ 1.0 on other operating systems.

The only way that XYZ would be available for the excluded operating systems would be via purchase of the standalone product. The product would never be available free of charge for the excluded operating systems.

Upgrades would behave has explained previously, for both the bundled and standalone products.

This remedy would allow Microsoft to Innovate, but it would not allow their products to gain dominant market share over time without competing on either price, or features. The act of bundling and un-bundling eliminates all distribution barriers for Microsoft, this is an unfair advantage and must be eliminated. Microsoft exploited this advantage with Internet Explorer, and they could exploit it again at any time with any product. This remedy would level the playing field for companies competing with Microsoft, it is simple to understand and very easy to enforce, without the need for an oversight committee. The net effect would prevent Microsoft from gaining an unfair advantage for other product segments via their operating system monopoly. Personal computer sales restrictions

The restrictions on the bundling of operating system or standalone products with the purchase of a personal computer are simple to understand and very easy to enforce, without the need for an oversight ''committee, and the restrictions in no way limit Microsoft's ability to innovate or sell any products. The restrictions are outlined below:

No Microsoft product, that is operating system or standalone product, can be automatically included with the purchase of a personal computer, all Microsoft products are consumer optional purchases. No Microsoft product can automatically be included with the purchase of any other Microsoft product, free of charge or not. All Microsoft products sold by PC OEM's cannot differ from retail versions, including but not limited to: documentation, installation methods, distribution medium, etc. Specifically the version of operating systems purchased by the consumer is a limited copied for a particular configuration, vendor, or situation. All prices for Microsoft products, sold by PC OEM's will have a reasonable cost, meaning not excessively cheap relative to list price. Microsoft cannot finance the sale of Microsoft products through other means.

No Microsoft product can be offered with the purchase of personal computer as a zero cost option, unless as a limited time offer, as a rebate, or as a special deal.

All Microsoft products when selected for purchased by a consumer with a new computer will have a individual line item, it will also have a non-zero, and reasonable cost, unless as a limited time offer, as a rebate, or as a special deal Microsoft cannot dictate what version of their operating systems are available for sale with a personal computer, the consumer will make that optional selection from the versions offered by the PC OEM. Microsoft cannot restrict the versions of their operating systems available to PC OEM's, if the OS is available for sale, PC OEM's will have the option to sell it with their computers. Microsoft cannot influence or incent PC OEM's to favor the sale of a particular operating system version. Once a consumer has selected a Microsoft product it can be customized in any way by the PC OEM, via direction from the consumer. The PC OEM will be acting as an agent of the consumer, not as an agent of Microsoft. Which means that a customer can select the default Microsoft installation, or choose a customized version offered by the PC OEM, or create their own customized version, if offered by the PC OEM, of course additional cost may be incurred by the consumer for exercising this choice.

Microsoft shall publish ALL API's for all their Operating Systems. Because Microsoft owns a monopoly in PC operating systems they can create unfair advantages for their standalone products by using features of the operating system known only to Microsoft. Punishment

Punishment for violation of any restrictions will be a dollar amount equal to the gross revenue generated by the sale of any and all product that that fail to comply, from the time Microsoft is in violation until the situation is remedied. The punishment is fair considering Microsoft has profited unfairly at the expense of others, and has accumulated an enormous amount of cash because of this unfair profiteering. A severe penalty is also incentive for compliance. Final Thoughts

Unless the distribution methods that Microsoft currently enjoys are changed, and I'm confident that the changes I have outlined are the most fair and succinct, Microsoft will be able to overrun any product at any time simply by declaring a similar Microsoft product bundled with the OS and allowing it to be downloaded free of charge. Retroactive bundling, and the distribution of products free of charge must be prevented. The restrictions outlined would not require the appointment of an oversight committee.

Any solution that is more complicated would be unfair to Microsoft, it would be impossible for Microsoft to conduct business if they are scrutinized by an oversight committee.

The outlined changes would also help to strengthen the PC OEM's, a business sector which is in a dire state. The dire state of the PC OEM business has been created by Microsoft through their restrictive license and contract agreements. When a PC OEM is forced by Microsoft, under terms and conditions favorable to Microsoft, to include Microsoft products, this forced inclusion is really a cost for the PC OEM's, which they cannot pass on to the consumer. Under the new restrictions the real actual cost of Microsoft products would be reflected and the PC OEM's would have the chance to receive a fair and reasonable profit from the sale of Microsoft products with their computers. As an example the list price of Windows XP is $199, because of the volume that PC OEM's buy they may be able to achiever 60%, or greater, discount, some of which could be passed on the consumer, but the PC OEM would still make money on the sale of the Microsoft OS, and the consumer could pay less than list price. The PC OEM could also charge for the customization of the OS, which would have benefits for the OEM and the consumer.

Microsoft has created an artificially low price for Microsoft products bundled with new computers through restrictive monopolistic practices. Protecting prices for consumer good would be short sighted in this case. It is true that there could be an increased cost for the consumer when buying a new computer, when a consumer chose to add Microsoft products, but the consumer would also have a choice to not pay the increased cost. Currently Microsoft dictates what is purchased and at what price.

The consumer should have the choice, even if it means the choice might cost a little more.

The outlined changes would also benefit large organizations which buy PC that have an OS bundled, but are then forced to buy enterprise OS licenses from Microsoft. This double dipping by Microsoft would be a welcome relief by large organizations, it would also clear up an extremely complex licensing situation, which is un-necessary and only beneficial to Microsoft.. The restrictions that have been outlined would not impede Microsoft at all, in fact had this model been in place since the last consent decree levied against Microsoft, they would have made considerable more money on their operating system, and there would still be competition in the browser marketplace. For Internet Explorer alone, if Microsoft had not bundled that product with the OS they would have sold at least 20 Million copies at $49.99 which means they would have made, an additional $1 Billion in profits. Microsoft should be forced to comply with these restriction immediately and for a period of not less than 8 years, where the restrictions and market conditions could be re-evaluated.

Sincerely,

Jay Llewellyn

MTC–00027296

From: Michael Pakovic
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To Whom it May Concern:

First, let me state that I am not currently, nor have I even been, an employee of Microsoft, or any of its competitors. I have a Bachelors degree in Electrical Engineering, and I am presently the Lead Engineer on the S-3B Program for Computer Sciences Corp. My expertise is in operating system and application design..

Listed below are a few of the major issues I have with the settlement.

*Microsoft shouldn't have the right to appoint a representative to the Technical Committee (''TC''). This committee's responsibility is to ensure Microsoft's compliance with the Settlement, which resulted from their anti competitive business practices, and as such, should consist of three Plaintiff selected members.

* Microsoft can continue to make OS API changes and provide them internally to their application developers long before they provide them to third party developers. As proposed in the settlement, the API information must be made public before the last BETA release of a new Windows Operating System Product. This conceivably might give third party developers a very short period of time (a day?) to analyze the API and develop software to take advantage of any new OS enhancements. This will put third party developers at a distinct disadvantage, and will continue the Application Barrier to Entry (''ABE'').

* There are many loopholes in the settlement which will inevitably lead to further court proceedings. Microsoft has endeavored to stretch out the court proceedings as long as possible, and this agreement will allow them to continue with that practice.

* Lastly, Judge Jackson's Findings of Fact found a large number of anti competitive practices, and the proposed settlement, while attempting to prevent future anti competitive behavior, does nothing to correct the unjust gains Microsoft has accrued as a result of their practices. Internet Explorer has almost totally displaced Netscape. Microsoft Office has almost totally displaced Word Perfect Office. Even with the publication of the Windows API's, no other Office suite will be able to compete with Office— the user base is just to large. Only by giving Microsoft incentive to port their current applications to competing operating systems, will the ABE be removed.

In conclusion, the only effective way to remove the ABE, and promote fair competition, is to separate Microsoft into two companies. An operating system company which will continue to produce the Windows

Operating System, and an application company which will produce Office and Microsoft's other applications. This arrangement will remove the advantage Microsoft application developers have over their third party counterparts, and will give the application company incentive to port Microsoft applications to other operating systems. I recommend the proposed settlement be rejected, and that Judge Jackson's judgment be enforced.

Sincerely,
Michael Pakovic
Lead Engineer, Computer Sciences Corp.

MTC–00027297

From: R. Kline
To: Microsoft ATR
Date: 1/27/02 10:41pm
Subject: Microsoft Settlement

The current settlement with Microsoft will largely leave it's monopoly leverage intact, and therefore does not address the basic problem of allowing Microsoft to control prices, stifle competition, and drive or buy out any significant competition using the cash it has accumulated with monopolistic pricing. In order to address these problems Microsoft should be made to provide source code for its operating system to competitors, and all interfaces to the operation system should be made publicly available to prevent Microsoft from thereby making it difficult to impossible for competitors to cleanly access the operating system. Without these reforms, M$ will likely continue to leverage its current monopoly, gain control over more aspects of the Internet, and prevent the kind of innovation and price reduction that only comes from real competition.

Robert Kline
299–3B Gemini Drive
Hillsborough, NJ 08844

MTC–00027298

From: Kenneth Arnold
To: Microsoft ATR
Date: 1/27/02 10:42pm
Subject: Microsoft Settlement

I am writing to express comments on the proposed Microsoft settlement, with expectations that it will be considered under the Tunney Act.

As a user of many different operating systems, office productivity applications, and web browsers, including those distributed by Microsoft as well as those distributed with or without cost and with or without freedom to examine and improve internal workings (i.e. open source), I view Microsoft's current monopoly status as severely limiting the freedom to innovate of all other involved companies and independant developers.

The Department of Justice has recognized this, but the proposed settlement does not, in my view, take sufficient action to alleviate Microsoft's stranglehold on the software market, restore the freedoms of competition and innovation to other developers, and provide remedy for the deep-seated damages already done my Microsoft's monopoly status.

Specifically, as a US citizen and a user of computing technology in my daily work, I value freedom of choice. In the Microsoft case, this choice is the choice of what software I use to perform various tasks, what infrastructure software is used to allow other software to run, and what entity is in control of data both on my personal computer and on servers used to store and/or distribute content used on my computer, to name a few significant concerns. It is currently possible to operate a computer completely without Microsoft products, as I have done at times, but it can be exceedingly difficult, mainly due to Microsoft's monopoly on the rest of the market comprised of people and organizations with whom I interact. For example, a huge number of applications require the Win32 API in order to run. The Win32 API is currently only implemented in Microsoft Windows to a sufficient degree to run these programs usefully; there is little freedom of choice in running these applications in any operating system other than Windows. Essentially I am forced to use Windows in order to run any of those large number of programs which I may need, and the proposed settlement does nothing to alleviate this requirement. In essence, Microsoft currently dictates what products can and cannot be used on nearly all personal computers that are currently running Microsoft products. While this in itself is bad enough, what many analyists believe Microsoft is planning to do with its monopoly is still more disturbing. With its ''.NET'' initiative, it appears that Microsoft is beginning in its plan it move software to service-type use. The end result could be renting the ability to use software, with little practical restrictions on the degree of control Microsoft could exercise over the costs of such services and the monitoring or even controlling of what consumers are doing with these services. Though the proposed remedy is absolutely necessary, they are not sufficient without amendment to address concerns that I have only briefly and incompletely alluded to above.

Thank you for your careful consideration my comments as well as those of many other citizens in this matter.

Kenneth C. Arnold
12652 Golden Oak Drive
Ellicott City, MD 21042
(410) 531–0856

MTC–00027299

From: Square Circle Consulting LLC
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

I am opposed to the Microsoft Settlement.

Thank you for taking my comments,
David Hanke, CEO
Square Circle Consulting, LLC
Solutions & Support for Macintosh

MTC–00027300

From: Nicki Anderson
To: Microsoft ATR
Date: 1/27/02 10:43pm
Subject: Microsoft settlement

Dear Mr. Ashcroft: Please support the settlement recently reached between the US Dept. of Justice and Microsoft. It is my belief that this lawsuit should not have been launched against Microsoft and think it is now time to settle it so that this country and Microsoft can get back to business as usual. Microsoft developing software and the US government taking action on the economic situation we are in. Microsoft agreed to license Windows to the 20 largest computer makers on virtually identical terms and conditions. They have agreed to grant computer makers and software developers broad rights to configure Windows to remove Microsoft products and substitute competing, non-Microsoft products in their places. Netscape Navigator can be installed in place of Internet Explorer and AOL Instant Messenger in place of Windows Messenger. Microsoft has agreed not to retaliate against computer makers and software developers who choose to do this. Microsoft also agreed not to enter into any agreements with other companies that would obligate them to exclusively distribute or promote Windows technology. I encourage you to accept the terms of the settlement so that Microsoft can continue developing innovative software.

Sincerely,
Mrs. Nicki Anderson,
318 N.E. 161st.,
Shoreline, WA 98155–5739.

MTC–00027301

From: Pat Dooley
To: Microsoft ATR
Date: 1/27/02 10:44pm
Subject: Microsoft Settlement

Sirs:

I've been appalled by the vendetta against Microsoft. This has not been an action by dissatisfied consumers but rather an action instigated and financed by AOL, Sun and Oracle, Microsoft's whining competitors. The biggest losers so far have been the American economy and consumers. Enough already. Call off the lawyers and let's get back to business. If AOL and company really want to beat Microsoft in the marketplace, now's their chance. Bill Gates has bet the company on his .Net initiative and it will require the software industry to rethink everything. It opens the door for Oracle, Sun and AOL to offer cost-effective alternatives. Instead, it seems they'd rather resort to the courts.

MTC–00027302

From: ray
To: Microsoft ATR
Date: 1/27/02 11:46pm
Subject: Microsoft opinion

Dear Sir's

I don't feel that it is in the best interest of all of the users of Microsoft OS what the nine states have in mind is, that they are not in this fiasco with the consumer in mind at all, and we all know that there objective is the dollar bill. Who would benefit from all of this? certainly not the consumer.

Microsoft is a great and innovative company and there products are of the highest quality. As a consumer, leave Microsoft alone.

as ever
Ray Appleton
ray@netecin.net
appletonray@hotmail.com

MTC–00027303

From: Terri Holsinger
To: Microsoft ATR
Date: 1/27/02 10:44pm
Subject: Microsoft Settlement

To the US Dept of Justice.

Please approve the terms of the settlement. I believe the terms are tough but they are reasonable and fair to all parties, and meet the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward. Thank you for allowing my opinion to be heard.

Terri Holsinger,
317/846–4187,
Carmel, Indiana

MTC–00027304

From: Acholm@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:45pm
Subject: Microsoft settlement

The U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.

It's time to accept the agreement and allow Microsolft to move on the close this matter.

Audrey Holm

MTC–00027305

From: Merle S. Insinga
To: Microsoft ATR
Date: 1/27/02 10:45pm
Subject: Microsoft Settlement

I do not believe that the proposed settlement of the antitrust case against Microsoft is adequate. Any penalty that is imposed on Microsoft must punish it for the illegal actions of which they were convicted, restore competition in the desktop operating system market, and prevent Windows XP or other new Microsoft products from using illegal means to continue to protect their monopoly and extend that monopoly to new markets. I do not see how this weak settlement will accomplish those requirements.

For example, while the settlement would force Microsoft to describe and license it's APIs to competitors, it allows Microsoft itself to define what organizations qualify as competitors. Most importantly, it allows them to exclude non-profit or government organizations from receiving this information. By their own admission, they consider Linux and other open-source software to be a threat, so they would surely use this loophole to prevent this threat from getting this information and using it to make inroads against their monopoly.

That is just one example of the many flaws in this proposed settlement. This proposed settlement must be replaced with a far, far stronger one that meets the requirements mentioned above and will have some real effect in the marketplace.

Thank you.
Sincerely,
Merle S. Insinga
New Hampshire

MTC–00027306

From: James Kilmartin
To: Microsoft ATR
Date: 1/27/02 10:47pm
Subject: Microsoft Settlement

I am writing to let you know I support your efforts to settle the Microsoft suit. I think the settlement is a good compromise and is fair and equitable. I also think that the Nine state AGs pursuing more penalties are nothing more than a front for Microsoft competitors, and to allow them to prevail would be a grave error.

I hope common sense prevails when the Judge renders her opinion.

James Kilmartin
Bethel, CT

MTC–00027307

From: Martee377@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:47pm
Subject: Microsoft Trial

To Whom It May Concern:

I was recently reading up on the Microsoft trial and I am very happy with the way things went in the trial. When I first heard about the trial I was actually mildly disturbed. I did not believe the Microsoft Corporation to be a monopoly. To me they were just simply the better of all the software making corporations. Also, there aren?t many other companies that make software such as Microsoft Windows or Microsoft Office. However, I can definitely see why the lawsuit was filed in the first place. It seemed like Microsoft had virtually taken over control of software production. When you think about it, they basically are the only operating system that most average people can think of. However, the more knowledgeable person knows about other systems. UNIX, for example, is another operating system that is used. Not only do they have the more popular operating system, but Microsoft Office programs, such as Excel and Word, are all over as well. The settlement that was reached by the U.S. and Micro soft was both necessary and fair. I personally am very happy that the corporation didn?t break up. Such a breakup would probably set back the economy a couple of steps. I am really pleased that it didn?t go as far as to breakup the company.

MTC–00027308

From: lesanncarter@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

I think it would be better for all concerned if all parties would agree to the present proposels and not drag this lawsuit out any longer.

Thank You,
Lester D. Carter

MTC–00027310

From: Thomas A Miller
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

Dear Sir:

Speaking as a member of ''The Public'', as in ''The Public Interest'', it is my opinion that Microsoft has done far more for the Public Interest than against it. For what transgressions the may have had, I believe the presently agreed upon settlement is more than just compensation, and that Microsoft has been duly punished. Therefore, I strongly recommend that the case be closed, now, without further hearings. Further hearings would become harassment of Microsoft, and would not be in the Public Interest

Sincerely, (signed)
Thomas A Miller
12902 Wheatland Rd
Fairfax, VA 22033–5300

MTC–00027311

From: Msquires@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:50pm
Subject: Microsoft Settlement

As a student of computer science, I have mixed feelings about this issue. Microsoft's control of the software industry was not obtained from doing anything illegal. If a company creates an operating system, they should have full control of what software can and cannot be functional in their own operating system. If it was not for Microsoft developing their operating systems, the companies which software is being hindered, would not have an OS to develop for in the first place. If these companies feel that Microsoft is not treating them fairly they can go and develop their own OS. Microsoft is the perfect example of capitalism at its finest. Microsoft's business is Microsoft's business. No one is forcing millions to purchase any Microsoft products. There are several alertnative operating system, many of which can be obtained free from the internet. From my personal computing experience, I feel that Microsoft's products are lacking. I currently use both Microsoft and non-Microsoft operating systems and it suit es me fine. If further development in computer software is truly being hindered by Microsoft, the foundations of capitalism will lead to the downfall of Microsoft.

MTC–00027312

From: J Marvin Klopstad
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement

I feel that the U.S. Government is unfair In this case. The whole thing should be dropped if Netscape wants to compete let them build a better mouse trap.I think what Microsoft charges for its software is fair. Does the C.E.O. of Netscape & A.O.L. give as much money to schools and etc as Microsoft I dont think so. The stockholders and the

consumers are the losers and have been severely damaged by this law suite. I think that Netscape & A.O.L. are just jealous. The Government lawyers are just trying to make a name for themselves. Anybody that thinks the breakup of A.T.&T. Has benefited any one is a Fruit Cake, my phone bill tripled, the service is poor at best and the Co. is in shambles. The DoJ attorney Joel Kline stated on T.V. that the breakup of A.T.&T. brought us the Touch Tone Phone he does not know what he is talking about either, we had the Touch Tone Phones before 1972 and at least a type of mechanical version of Touch Tone was installed prior to 1950 only used by long distance Operators. The DoJ should accept Microsoft's good faith settlement and the government could get on with better and more important things.

Thank You

J. Marvin Klopstad

MTC–00027313

From: Rodney M. Chun
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement
FROM: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Rodney M. Chun
1663 Kentfield Avenue
Redwood City, CA 94061

To the Honorable Court and the U.S. Department of Justice:

As a concerned citizen, a professional economist, and a database developer, I feel compelled to submit the following comment on the Revised Proposed Final Judgment (RPFJ) issued November 6, 2001 in the case of United States v. Microsoft Corp. I strongly believe that the RPFJ as it now stands is not in the ''public interest'' due to the gaping loopholes and imprecisions that even an individual not trained in law, such as myself, can identify.

Let me begin with a simple statement of fact: A lower court has found, and an appellate court has concurred that Microsoft has violated antitrust laws by undertaking illegal actions which have impeded effective competition against it. The purpose of the RPFJ is to provide remedies for these transgressions, and most importantly, to inhibit Microsoft from engaging in future activities which would serve to preserve its monopoly in operating systems.

The RPFJ contains such imprecise language that one can only wonder if it was purposely crafted to furnish Microsoft exploitable loopholes. While the list that follows is far from exhaustive, I feel it summarizes some of the shortcomings, omissions, and definitional problems which render the RPFJ an inappropriate remedy for the harm Microsoft has done to the public and an ineffective deterrent to future Microsoft offenses. Specific references to sections of the RPFJ are given in parenthesis.

1. The RPFJ does not include all of the conduct the court found to be in violation of antitrust laws. In particular, it does not address the issue of commingling of middleware code with the underlying operating system.

2. The RPFJ gives Microsoft the sole discretion over the definition of the ''Windows Operating System'' (VI.U). This oversight combined with the previous point essentially gives Microsoft every incentive to embed middleware code, such as the Internet Explorer, into the ''operating system'' and thereby evade all restrictions imposed on its middleware products.

3. The RPFJ's definition of ''application programming interface'' (API) is unorthodox and restrictive. Typically an API is the interface between an application program and the operating system. Yet the RPFJ (VI.A) defines an API to be only those interfaces used by Microsoft Middleware. There are over 13,000 API ''hooks'' into the Windows Operating System, of which only a fraction is actually used by Microsoft Middleware. Hence, any directives to make API's (as defined by the RPFJ) public, potentially excludes the release of information regarding other useful Windows OS APIs—the lack of which could essentially make an ISV's product uncompetitive with a similar Microsoft product. Microsoft has already used this informational asymmetry to its advantage in the past (see Finding of Fact, 90, 91) and there is no reason to believe that it would refrain from using this ploy to illegally preserve its monopoly in the future.

4. The RPFJ's definition (VI.K) of ''Microsoft Middleware Product'' essentially consists of Internet Explorer, Microsoft Java, Window Media Player, Windows Messenger, and Outlook Express. This list is grossly incomplete if one considers middleware to be any application software that itself presents a set of APIs that allow users the ability to write new applications without reference to the underlying operating system. For instance, one can write database applications using Microsoft Access and Visual Basic for Applications (VBA) without ever using a native Windows OS API. This applies to the entire Microsoft Office family of programs. Furthermore, I find it peculiar that Outlook Express is listed while Outlook (the full-featured version of Outlook Express) is omitted. Furthermore, Microsoft's ''.NET'' system—seen by most as a Microsoft version of Sun's Java—is also noticeably omitted.

5. The RPFJ gives Microsoft the explicit right to continually and automatically persuade end users to revert back to Microsoft middleware, after 14 days, in the event that a 3rd party application has been installed. As an end user of Microsoft Windows, I do not welcome a daily barrage of dialog boxes begging me to favor Microsoft products over my preferred alternative. I find it objectionable that any software company should be encouraged to engage in this type of marketing just as I am opposed to telemarketing phone calls, Email spam, or unsolicited junk mail.

6. The RPFJ is deeply flawed with regard to enforcement. The proposed remedy lasts five years with a minor sanction of a one-time extension of two years in the event of non-compliance. It is extremely naive to believe that Microsoft will cease to be a monopoly in five years—and will thereby have insufficient market power to engage in illegal behavior to preserve its monopoly—particularly considering the large network effects and complementarities that exist in software products. Microsoft has been declared a monopoly. As long as it remains a monopoly, it should be regulated as such until Microsoft can prove itself otherwise. The inclusion of an expiration date for sanctions serves to ameliorate most of the effect the remedy proposes to offer. Furthermore, I see no concrete penalties whatsoever in terms of non-compliance. While I am not an expert in contract law, even I know that a contract must clearly specify the penalties for violations of the agreement. In the absence of such sanctions, the document is little more than a wish list.

My list of objections to the current RPFJ is not exhaustive, and I have only focused on the problems I find most obvious. Further comprehensive evaluation is available in the comments made by the economists Robert E. Litan, Roger D. Noll, and William D. Nordhaus (January 17, 2002; available from the American Antitrust Institute web site). In addition, another excellent analysis done by Dan Kegel is available at: http://www.kegel.com/remedy/remedy2.html

I agree with the comments in both of these documents.

In closing, let me leave you with a parable that summarizes some of the shortcomings in the RPFJ. In my parable a large 18-wheel truck is speeding and weaving down an interstate highway. Do to its recklessness, several car accidents have occurred in its wake, and a state highway patrol car has pulled the truck over. The cop is informed by his superior to apply the relevant traffic laws, which, in my story, have been modeled on the RPFJ. Here is what the traffic cop reads in his codebook:

-The traffic law allows the driver of the truck the right to define what a ''truck'' is.

-The traffic law is not clear on which part of the truck is actually defined to be speeding.

-The traffic law suggests a fine of $1 since the damage only consisted of ''compact'' cars.

The traffic law only mandates that the driver obey the speed limit for the next 5 miles. Any further transgressions will result in this restriction applying for 2 more miles. After the maximum of 7 miles, the truck driver can do anything he wishes. Furthermore, the traffic law is completely silent on what the penalty will be for further violations.

-The traffic law allows the driver to demand back his $1 fine after 14 days.

The US Department of Justice has won a historic ruling against Microsoft, a victory which has been largely upheld by the appellate Court; Microsoft has been found guilty of engaging in illegal activities in its attempt to preserve a monopoly position in the software industry. As a result of these activities, it has most certainly increased its monopoly power and has done unfathomable damage to the development of innovative technologies and new products which may have existed, but for Microsoft's actions. I urge the US Department of Justice to withdraw its consent from the present RPFJ. Any new settlement should address the current RPFJ's obvious shortcomings. As it

stands, it will not unfetter the market from Microsoft's anticompetitive conduct, nor will it properly penalize Microsoft for its past behavior.

Sincerely,
Rodney M. Chun, Ph.D.
Senior Research Analyst
Sphere Institute
Phone: (650) 558–3980, ext. 17
e-mail: rchun@SphereInstitute.edu

MTC–00027314

From: Jason Wood
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

The proposed Microsoft Settlement primarily addresses present and future concerns of commercial entities. It seems that this will promote a better relationship between OEMs and Microsoft. It, however, does not fully address past behavior of Microsoft. Microsoft's grievances have limited OEMs and others in what they could do with their(the OEM's) products. The proposed settlement does not fully address this past behavior. Microsoft through their forceful agreements with OEMs and others has blocked other companies and non-commercial entities from getting a fair chance to compete. Unfortunately, these actions have already occurred. The future restrictions that will be placed on Microsoft in this settlement will not give competitors the ability to catch up with Microsoft.

I am opposed to the currently proposed settlement. I feel it lacks significant punishment for past actions on behalf of Microsoft. It also fails to the provisions necessary to allow for a truly competitive operating systems market. There is also little to no provision for non-commercial software and development, which also is struggling to find its place in the market.

Sincerely,
Jason A. Wood

MTC–00027315

From: scm@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/27/02 10:54pm
Subject: Microsoft settlement

To Whom it May Concern:

I do not support the proposed Microsoft settlement, and recommend Judge Jackson's judgement be enforced.

Valerie Collins
Senior Software Engineer, Computer Sciences Corp.

MTC–00027317

From: Scott Swanson
To: Microsoft ATR
Date: 1/27/02 10:55pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in response to the request for public comments on the proposed settlement between the department of justice (DOJ) and Microsoft Corp. (MS) referenced on the web site at http://www.usdoj.gov/atr/cases/ms-settle.htm.

It is my opinion that the settlement against Microsoft is not fair to American consumers and does nothing to limit the anti-competitive actions of this monopoly. To call the current settlement proposal fair belittles the intelligence of the American population and does no credit to its government. If any settlement were to be at all effective, it would have to limit the companies ability to maintain, or extend, its monopoly. This is not currently the case.

If competition is to be encouraged, Microsoft will have to be stopped from being able to ''bundle'' their software. Bundling their software (or including multiple products in one package at one price) gives them the opportunity to make it more expensive to buy a product from a competitor and limit the ability of that competitor from being able to compete on a level playing field. Each piece of software distributed by Microsoft should be sold separately with a separate price.

Microsoft should be limited from adapting standards to suit their own purposes. Any file formats or communication formats should be released to anyone interested long before it could be included in any product. This would limit the ability of Microsoft to abuse their position on the majority of desktops to extend it to another area where they didn't yet have a stronghold.

The entire application programming interface (API) should be made available to anyone that wishes to program against any Microsoft application. This would allow programmers external to Microsoft to compete on equal footing with those inside Microsoft. Microsoft has been found to have illegally maintained its monopoly position. Yet there has been no remedy for this situation proposed that would hamper that illegal activity. I strongly oppose the current proposal and hope that a much stronger ruling will take its place.

Scott Swanson
3539 27th Place West, #314
Seattle, WA 98199

MTC–00027318

From: Charles A. Brown
To: Microsoft ATR
Date: 1/27/02 10:58pm
Subject: MICROSOFT SETTLEMENT

DEAR SIR/MADAM THE TIME HAS COME TO SETTLE THE MICROSOFT SQUABBLE AS IT IS NO LONGER SERVING THE BEST INTEREST OF THE PUBLIC TO CONTINUE LEGAL ACTIONS WITH MORE COSTS TO THE PUBLIC AND MICROSOFT. THE OFFER BY MICROSOFT TO SETTLE WITH THE GOVERNMENT WILL BENEFIT MOST USERS AND THE PUBLIC.

CHARLES A. BROWN

MTC–00027319

From: Jason Westlake
To: Microsoft ATR
Date: 1/27/02 10:53pm
Subject: Microsoft Settlement

It's a bad idea to settle with Microsoft, mainly because it won't teach them a lesson... a paltry fine or ''donation'' to education won't do anything to teach them; they have billions upon billions of dollars in cash. The DOJ must act harshly! The only way to prevent them from continuing to act in anticompetitive ways is to BREAK UP MICROSOFT! PLEASE BREAK UP MICROSOFT!

Thanks,
Jason Westlake
Computer Technician
Newnan, GA

MTC–00027320

From: Leroydede@ao1.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:02pm
Subject: Mircrosoft Legal Problems

Lets resolve the microsoft issues. We need to warn microsoft that they should not infringe on others or prevent competition. The government should be reasonable regarding the fine and close all Microsoft legal problems.

See attachmentr.
Vernon Dede
301 Woodland Trail
Keller, 17< 76248–2630
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

After three long years of antitrust lawsuit court battles, Microsoft and the government have a settlement that has profound implications for all software publishers, the rest of the computer industry and consumers. By ending this case, the government is freeing this innovative giant to create more jobs. That's good for our lagging economy. Under the agreement, computer manufacturers were granted new rights to configure systems with various Windows features hidden or removed to make competing, non-Microsoft software more prominent. Microsoft must also design future versions of Windows to make it easier for users to install non-Microsoft software. Finally, it is obliged to disclose information about certain internal interfaces in Windows. The agreement goes far beyond the original issues in the lawsuit, but Microsoft agreed to it just to get the legal hassles over with. If we have solved problems with the agreement that we never set out to solve in the first place, there is clearly no need for further federal action after the agreement's approval.

Sincerely,
Vernon Dede

MTC–00027321

From: Tim Ambrose
To: Microsoft ATR
Date: 1/27/02 11:03pm
Subject: Microsoft settlement!

To whom it may concern,

I guess this will never end. I just heard that AOL is going to take Microsoft to coart over the same thing that it's been compaining about for ever. It should be very obvious what their game is, and tat is to hang their competetor up as long as possible while they gain in market share and time. The same appleys to these state law suits except all the attorney generals want is fame and noteriety. I hate what our country and it's court system has become! Anybody can take anybody to court without any real reason, except to try and bring them down and all the while bringing our country and the lives of the inocent doun with it.

PLEASE END THIS CANCER ON MICROSOFT .

MTC–00027322

From: Conniejo Squires
To: Microsoft ATR
Date: 1/27/02 11:05pm
Subject: Freedom To Innovate-Microsoft
Renata B. Hesse
Anti-Trust Division
RE: Microsoft Settlement

It is important to all that this law suit end. Microsoft has by their example taken the computer and software industry above and beyond the industries expectations. Our country has always been one that we have the freedom to inovate. Microsoft has made computer use possible for many users by making a working software that all could use easily. It is unfair to punish them for doing this. In the end the consumer is the one that suffers. When A.T.& T. split to meet the courts demands now we receive three different bills each month rather than one. The consumers are the ones that have to deal with the consequences. This doesn't seem fair.

Microsoft has free of charge given computers and software to many schools in Washington State and a few to other states as well. If they had not done this the schools would not have been able to provide computers for the children to use and have this opportunity.

America has managed on Competition being healthy. It makes the product better. It sounds to me that the complainers do not have the intelligence or where with all to inovate something on their own, to make a product that is competitive and make it better for all consumers. So why should Microsoft have to be punished because they were willing to inovate.

Sincerely,
Connie Jo Squires
Spokane, Washington 99208

MTC–00027323

From: Ed Pope
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Comment on Proposed Settlement

I do not believe the settlement is in the best interests of the free enterprise system.

Ed Pope
Atlanta, Georgia

MTC–00027325

From: SMRiebe@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Microsoft Settlement

Dear Department Of Justice: It is my belief that your settlement with Microsoft is more than fair. In fact I believe that being a person that has followed the case detail by detail from the start that this case against Microsoft should have never been brought in the first place.

Further I believe it was the other large software companies that by their own doings couldn't build a better product and spent their energy and money instead in the government arena to try and delete the only competition they had, Microsoft.

I have for the past 5 years used and owned stock in AOL. They have a good product but it is just not right for them to use the courts and our government to try and defeat Microsoft. They should spend their (AOL) time and resources rather to build a better product and service. The freedom to compete is what this country is all about. You don't see Microsoft crying foul! The people of the world are better served by allowing all companies to compete. Yes, there will be a winner maybe and a looser but that doesn't mean we don't let the winner win.

Let the consumer decide with their dollars who they want to do business with. We don't need our government deciding for us.

I say the same thing I have from the start.. ''Leave Microsoft Alone'' Our country will be a better place for it. Beyond that I feel it is more than generous of Microsoft to give computer support to our schools.

Regards,
Steve Riebe
4125 86th Ave SE
Mercer Island, WA 98040

MTC–00027326

From: Tom Simpson
To: Microsoft ATR
Date: 1/27/02 11:07pm
Subject: Microsoft as Monopoly

Dear Sirs:

This short note is to state my position that Microsoft has consistently proven itself to be a company that is willing to run roughshod over its competitors and has further used its monopoly position in order to extort concessions from others in the industry and to foist technically inferior products upon entrapped customers, In other words, they generally do all of the ugly things that we know monopolies did over 100 years ago, when the Carnegies, Rockefellers and Morgans of the world abused and used the marketplace to claw their way to the top. Now, Microsoft has set its sights on the Internet itself. They simply must be stopped.

Tom Simpson
Graduate School
University of South Carolina—Columbia
3420 Heyward St,
Columbia, SC 29205

MTC–00027327

From: bgreslic@notes.concord.org@inetgw
To: Microsoft ATR
Date: 1/27/02 11:04pm
Subject: Microsoft Settlement

I am writing to voice my disgust with the proposed settlement for the Microsoft case. This settlement does not do anything to quell Microsoft's power, and looking at the settlement I can see legal holes the size of Alaska which Microsoft can use to all but ignore this settlement.

Microsoft has unfairly gained a monopoly in the Intel Operating System market, and is currently using illegal and immoral tactics to become the only provider in the browser market, web services, desktop recording software, and other fields.

This trial is based around the browser war between Internet Explorer and Netscape, however the bigger picture is that Microsoft has been abusing its power for years. Even when faced with preliminary injunctions they have laughed in the face of the law and put together a legal team that no company has the power to fight against.

The courts have ruled a few times that Microsoft has a monopoly, and is abusing that power. While I don't know what the answer is, this settlement does nothing against this problem. Splitting Microsoft into many smaller separate companies (IE, OS, Office, and others) might be a place to start. Now that Microsoft has the market share in web browsers (since the lawsuit was filed, Microsoft has moved from a 50% share in browsers to over 80%), they are trying to use that power to further remove Netscape from the playing field, and Java at the same time. Their newer browsers are moving from the Netscape plug-in applications to a new style, forcing new companies to choose between Netscape and Microsoft, which will further the gap. Microsoft is also steering their browsers away from Java and towards their proprietary .NET platform.

Another downside to the proposed settlement is the time factor. This settlement is only for 5–7 years, while it has already taken over 3 years to come this far. If we are going to go to all the time and expense, let us monitor the company for 15–25 years, and make penalties strong, clear and concise. We should not have to go through another 3 years of trials when (not if) Microsoft violates the settlement, just to give Microsoft a slap on the wrist.

Thank you for your time. Ben Greslick
Network Administrator
The Concord Consortium
''Integrating technology into the classroom''
www.concord.org

MTC–00027328

From: Edward Kiser
To: Microsoft ATR
Date: 1/27/02 11:12pm
Subject: Microsoft Settlement

Hello,

I am writing in order to comment publicly about the proposed Microsoft settlement, as allowed by the Tunney Act. I fail to see how Microsoft has done anything but set terms upon the use of its own property. Those terms may be unpleasant for some people, I admit, even as they become very pleasant for others, but such terms do not infringe anyone's rights. They cannot. For who has the right to meddle in a deal between two other people, a deal involving only property which those two people own?

As a Microsoft operating system user, I fail to see how Microsoft could set any terms that would be any worse for me than if it had never created its property in the first place. What if Microsoft charges a million dollars for a license for the next version of Windows? I can refuse to buy it. What if Microsoft creates a patch which disables my favorite software? I can refuse to install that patch, or if I accidentally install it, I can reinstall the operating system from the original CDs and thereby remove the patch. Can Microsoft remotely disable my copy of Windows? No; Microsoft and I have a contract, and I have not accepted, and will not accept, one that gives them remote-disable capabilities. I fail to see how Microsoft can infringe my rights through any licensing scheme or any combination of features or any technical features or any pricing strategy. (Fraud or an infringement of privacy would hurt me, but Microsoft is not

accused of those things.) Even if I were an OEM, or a browser writer, Microsoft could do nothing to me without my consent, except offer my customers a better deal than I can, and take them all away. But customers are not a right; customers choose what is best for them. A business has to earn customers!

It is quite easy to see, on the other hand, how a government of power-hungry politicians and judges could ultimately force me to write software only to its specifications, or the specifications of my competitors. It is easy to see how a government could make people think that they could demand any product from me, merely because they decided it was ''possible'' for me to make that product—and how a government could back such demands by force, without regard for whether I chose to make such a product. It is easy to see that anything done to Microsoft sets a precedent that could reach back to me, and any attempts to reassure me that these kinds of punishments apply only to Microsoft, make me worry more, because that means the principle of equality before the law has been discarded. It's also easy to see how a corporation such as Netscape might hope to get ahead by buddying up to local politicans and attorneys general, when it fails to get ahead by superior products and, more importantly, business strategies. Netscape's business strategies were more responsible for its fate than Microsoft's strategies. Rather than aggressively adding features to version 4.0, Netscape decided to do a bottom-up rewrite of its browser, which it ultimately had to make open source. Even then, development proceeded so slowly that two key developers eventually resigned. Netscape's bad decisions gave Microsoft time to get farther ahead. Politicians welcome such a deal as the one they made with Netscape, and they welcome the power that comes with it, while Netscape welcomes the opportunity to vanquish its competition by dishonest means. That's something Microsoft never did. Microsoft has not been dishonest, although it may have aggressively made some predictions about what other people would do and used them to frighten still other people—who perhaps need not have been frightened. Furthermore, Microsoft never lobbied politicians until it was forced to do so by this very case. In self-defense.

It seems remarkable that OEMs feeling threatened by Microsoft would not have banded together to produce an alternative to Windows. Is it possible that they were prevented from doing so by the same anti-trust laws that Microsoft is accused of breaking? This case has been a travesty and a sham, and since it is already irreversible, the best thing for America would be if Microsoft got a token sentence and were let alone, and then if this law were found unconstitutional, as it ought to be found.

Sincerely,
Edward Kiser
Jacksonville, FL

MTC–00027329

From: Lincoln Thomas
To: Microsoft ATR
Date: 1/27/02 8:25pm
Subject: Microsoft Settlement U. S. District Court Judge Colleen Kollar-Kotelly:

As a systems engineer and software developer focused on the success of the consumer, I ask you to consider the stronger remedies against Microsoft proposed by the 9 non-settling states and the District of Columbia. I will let their arguments stand on their own merits. I have 12 years of experience in software development since graduating from U. of Arizona with a B.S. in Systems Engineering. I develop and lead development teams working on many platforms including UNIX, Windows, and VMS, in many languages including C, C++, and Java. Most of my projects involve large-scale cross-platform software systems. The ability of technology to communicate effectively across different platforms allows consumers to utilize that technology in a simple and seamless manner. Microsoft's monopoly position has allowed it to engage in illegal practices that impede the ability of other companies to implement the interaction of Windows and non-Windows systems effectively. Microsoft's behavior has hurt the entire software technology industry and will continue to slow its advancement, to the detriment of consumers in the long run, unless the stronger remedies are imposed.

My opinions are my own and do not necessarily represent the opinions of any of my past or current employers.

Thank you for your time and consideration.

Sincerely,
Lincoln P. Thomas
Software Engineer and Team Leader
Colorado Springs, Colorado
lincoln.thomas@adelphia.net

MTC–00027330

From: Linda Chia
To: Microsoft ATR
Date: 1/27/02 11:10pm
Subject: Microsoft Settlement

The concerned parties in this frivolous lawsuit MUST SETTLE so Microsoft (and the industry as a whole) can continue to move ahead with the freedom to innovate and thus create jobs to bring this country out of its recession.

I have been unemployed since June 2001 when my job was eliminated. I would much rather see all the concerned use their time, talent, and resources to help put U.S. citizens back to work!

Thank you.
Linda J. Chia
3032 N. Kenmore Ave.
Chicago, IL 60657–4365
773–281–6320 voice/fax

MTC–00027331

From: T.K.Egan
To: Microsoft ATR
Date: 1/27/02 11:09pm
Subject: Microsoft Settlement

The proposed settlement is at best lousy for the consumer, for the United States, and for anyone who uses a computer. However my comments are in line with Dan Kegel's open letter (http://www.kegel.com/remedy/letter.html) to with I have asked my name be added as a co signer. I hope the government will do the right thing and act in the interest of America and her people.

MTC–00027332

From: Darrell Michaud
To: Microsoft ATR
Date: 1/27/02 11:09pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

In accordance with the Tuney act I would like to offer my humble opinion regarding the proposed Microsoft Settlement.

I believe that many parts of Section III, Prohibited Conduct, are well-intended but contain enough technological loopholes for Microsoft to render them ineffective. Prohibited Conduct A.1 and A.2 are meaningless as a remedy because Microsoft no longer needs to retaliate against OEM distributors directly to maintain its monopoly. Over the past few years Microsoft has introduced deliberate technical devices to prevent its software from being used in dual-boot environments. Even if a distributor wishes to create dual-boot options for their customers and is protected from direct retaliation, Microsoft still retains the technological means to prevent dual-boot solutions from being competitive.

Prohibited Conduct C (all numbered items) suffers from the same flaw. The proposed judgement states: ''Microsoft shall not restrict BY AGREEMENT any OEM licensee..'' (emphasis added) There is nothing said about technological restrictions that accomplish the same ends as the prohibited conduct. Just as Microsoft was able to circumvent the spirit of the Supreme Court's judgement through technological means (ie, integrating their web browser into the Windows(TM) Operating System), so too will they circumvent the spirit of this proposed remedy.

Until Microsoft is restricted from both agreement/contract retaliation and technological retaliation, they can continue to leverage their monopoly illegally.

Thank You,
Darrell Michaud

MTC–00027333

From: SkipOliva27@ao1.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1l:12pm
Subject: Microsoft Settlement

January 26,2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

On behalf of myself, I respectfully submit the following public comment on the Proposed Final Judgment in the case of United States of America, et al. v. Microsoft Corporation, District of Columbia Civil Action No. 98–1232. The District Court is entitled to consider the ''impacta'' of the proposed judgment on ''the public generall'' Under that broad criterion, the proposed judgment clearly fails to meet even a superficial test for serving the public interest. Rather, the proposed judgment is based on the Court's acceptance of an incorrect and fraudulent premise, as initially set forth by the United States in its complaint, and applies the antitrust laws of the United States in a manner inconsistent with its intent and

practical scope. In addition, the proposed judgment assumes that the public is incapable of asserting its self-interest in the absence of government action, a presumption that is offensive on a personal level and an expression of bad public policy. In reviewing the proposed judgment and the accompanying Competitive Impact Statement (''ClS''), the United States offers no verifiable claim that any action taken by Microsoft harmed consumers or the public interest. What they do offer is a narrative describing the failure of Microsoft' competitors to provide a product that the public supported, through the mechanism of the free market, to the extent that the competitors could maintain a profitable enterprise. This failure by Microsofta.TMs competitors does not, however, constitute something that is detrimental to the consuming public.

The central thesis to the government's case is the belief that Microsoft enjoys monopoly in the operating system market. This is an incorrect belief, the prior findings of the District Court and the United States Court of Appeals to the contrary notwithstanding. Microsoft has never enjoyed a monopoly in the operating system market, or any other market it has competed in for that matter. In the most fundamental sense, a ''monopoly'' is an entity which enjoys an exclusive license to trade in a particular market. Such a license can only be granted by the affirmative act of a government entity. Microsoft does not, and has never, enjoyed such a government license to monopolize the operating system market.

The United States has confused Microsoft ''TMS'' position of relative dominance as constituting a monopoly. They betray this logic at numerous points in the proposed judgment and CIS. For example, on page 25 of the CIS the United States claims the proposed judgment will allow computer manufacturers freedom from coercion or retaliation by Microsoft'' This is an absurd claim. Coercion is defined as employing a threat of force against an individual to force them to act against their self-interest. There is no evidence that Microsoft can use force against anyone. It does not possess a police force, or an army, or a court system. Microsoft has no means to exert its will to the extent that it violates the rights of another. What the company has done is use legitimate and legal tactics, including the retaliation the government improperly condemns, to aggressively compete within the market.

The market within which Microsoft competes has, in fact, been misidentified repeatedly by the government, the District Court, and the Court of Appeals. According to the CIS, the market for monopolization purposes is supposedly restricted to operating systems used on Intel-compatible personal computers. The United States deliberately excludes operating systems on non-Intel compatible computers because, the CIS says, consumers are very reluctant to substitute away from Intel-compatible personal computers because to do so would entail incurring substantial costs and would not result in a satisfactory substitute. Thus we have a real gap in logic. If the consumer is not substituting a non-Intel computer for an Intel computer based on considerations of price and quality, is that not a consumer choice? The free market is defined by the choices made by consumers. The government takes a contradictory and irrational approach, defining the market in such a limited way as to make the definition arbitrary and capricious.

I have been a computer user for more than a decade. In that time I have often weighed the option of purchasing Intel-compatible computers over non-Intel models. My choice has weighed a number of factors, including price, availability of application software, quality of the components used and even aesthetics. My ultimate decision is not important; what is important is that I considered models across the market without regard for the government's arbitrary and exclusionary definition and made an informed and voluntary choice. Millions of other consumers have done likewise, and the government's claims here are an attempt to deny this fact. Similarly, on the many Intel-compatible computers I have purchased through the years, there have been times where I have declined to use a Microsoft operating system. I did so irrespective of the fact that a Microsoft OS was pre-installed and programmed to boot with the computer. As an informed consumer I made the effort to consider other operating systems and install one independently. The proposed judgment here assumes I am incapable of that action, for it assumes such an act would only be undertaken if multiple operating systems were made available to me at the time of purchase. Similarly, the proposed judgment presumes the presence of desktop will help non-Microsoft middleware programs compete with Microsoft programs; in fact millions of computer users already do so without such manipulative prompting at the behest of the government. For the government to state otherwise is illogical, offensive, and not in the public interest.

Additionally, the proposed judgment is not in the public interest because it would inflict a manifest injury against the rights and liberties of the people of the United States, specifically the right of private property. A key component of the proposed judgment's remedy is a requirement that Microsoft make its source codes available to a government-sanctioned oversight committee, which in turn is supposed to ensure these same source codes are made available to non-Microsoft middleware producers, so that these companies can create products to compete with Microsoft. Since the United States would retain the right, under the proposed judgment, to determine and enforce the scope to which these source codes are to be made available, the final judgment constitutes a seizure of private property the source codes and its subsequent conversion to a public good. Such an act is wholly incompatible with the Constitution of the United States and even the antitrust laws that are supposedly being enforced in this case.

From a practical standpoint, the antitrust laws were designed to impose static remedies upon static industries where the market and its competitive components could be easily quantified and centrally managed. The software industry is neither static nor easily quantified. It is a dynamic marketplace of ideas and innovation, and such an entity cannot be centrally managed or overseen in a rational manner. Even the Court of Appeals admitted as much in its review of this case last year, noting that the software industry would continue to evolve many times before this case was concluded. This evolution continues regardless of Microsoft's dominance of the Intel-compatible OS market, but it will not continue if extensive government oversight is introduced into the marketplace. This proposed judgment unreasonably attempts to dictate the competitive balance in an industry where such a concept has been rendered virtually meaningless. Software is not like the railroads or petroleum refining. Any individual can use their mind and inexpensive equipment to write an operating system, develop a word processing program, or even lay the foundation for a global information network. The entire barriers to entry analysis employed in the CIS for this case is thus completely without merit.

The proposed judgment seizes Microsoft's property for the express purpose of enhancing Microsoft's competitors. Such an act should offend every American who owns private property of any kind, because if a large and successful corporation is not entitled to the fruits of its own labor, than what hope is there for the ordinary American citizen of less affluent means? The proposed judgment, rather than serving the public interest, will only serve to undermine public confidence in the government's role as the final guarantor of private property rights.

As a concerned citizen, I urge the District Court to reject the proposed judgment and dismiss the government's complaint without further delay. Barring that unlikely action, I would encourage the United States to reconsider its position on Microsoft, and its enforcement of antitrust laws in general. This case has demonstrated the futility and harm that can result from the application of irrational and immoral public policy.

Sincerely,
Skip Oliva
2000 F Street, NW, #315
Washington, DC 20006–4217
SkipOliva27@aol.com

MTC–00027334

From: Jonathan Kiang
To: Microsoft ATR
Date: 1/27/02 11:12pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It is a reckless abdication of the Federal government's antitrust responsibilities.

The Court of Appeals affirmed that Microsoft violated Federal and State antitrust laws. Any settlement or judgement needs to supply both a remedy against future violations and a deterent to potential violators. This one provides neither.

Considering that Microsoft performed many of its illegal activities under the apparently mosty hypothetical onus of the consent decree stemming from the government's 1994 antitrust case, the proposed final judgement leaves Microsoft too leeway in its actions. Microsoft has shown no indication that it would be inclined to follow the spirit or intent of the

antitrust laws if left to its own devices, and the proposed final judgement fails to account for this.

The proposed final judgement, if approved, would make the 1956 du Pont cellophane case look like a brilliant piece of antitrust reasoning. If the goal of the antitrust laws is to promote consumer welfare and the competitive process, then the proposed final judgement fails to do either.

Sincerely,

Jonathan Kiang

MTC–00027335

From: Tom Dilligan (091)Tall Mini-God(093)
To: Microsoft ATR
Date: 1/27/02 11:13pm
Subject: Microsoft Settlement

To whom it may concern:

I have been a software developer and watcher of the computer industry for the last 18 years. In that time I have developed software for a large array of systems from home computers (with both non-Microsoft and Microsoft operating systems) and for large mainframe systems. I am currently employed as a Senior Systems Developer for Industrial Light + Magic.

I would like to comment against the Microsoft Settlement of the Anti-trust lawsuit against them, pursuant to the Tunney Act. I oppose the settlement in the current form for the following reasons. The proposed settlement largely consists of donations to schools. This will do nothing to hinder Microsofts actions in the market place. If anything, this will increase Microsoft's market share. None of the reports that I have read state that Microsoft will include support contracts for the software that they are donating Software without support costs nearly nothing. The costs of producing software falls primarily into two categories: development and support. The costs of distributing (CD-ROMS, documentation, packaging) are tiny in compared with the development costs and support costs. In the case of Microsoft products, no part of the purchase price goes to support costs, because Microsoft support is done through a pay per incident. Calling Microsoft for any support reason will cost $50.00 or more per call, unless a support contract has been purchased.

If no support contracts are provided, and no support is provided as part of the purchase price, then it can be argued that the entire purchase price is going towards the development of new Microsoft software. The development costs of the software have already been recaptured, as evidenced by Microsoft's 36 billion dollar cash reserves. This cash reserve is nearly twice that of General Motors, a company that reports seven times the sales of Microsoft.

These cash reserves allow Microsoft to come into any marketplace and give away (dump) software until they have forced any competitors out of the market. Clear examples of this happening in the past include the internet browser software Netscape. In the case of Netscape, Microsoft was very successful in giving away their browser software, and in fact forcing people to use it by making it an integral part of the user experience. Microsoft included the server software with the ''server'' versions of Microsoft's operating systems (i.e. Windows NT, Windows 2000). Netscape only had the revenue generated by their browser and server products to generate income. With Microsoft effectively giving the software away, it became increasingly difficuly for Netscape to function as a business, eventually getting purchased by what is now America Online / Time Warner.

Microsoft's business practice of taking serious losses to penetrate into the market place can be easily seen right now with Microsoft's introduction of the X-Box gaming system. Microsoft has never competed in the home videogame console market. The retail price of an X-Box is approximately $350.00. Most analysts have estimated the actual cost of production to be closer to $500.00. In any sort of trade arrangement, this would be considered ''dumping''. Sony, Nintendo, and Sega (Microsoft's competition) all sell their come consoles at close to cost, but do not actually lose money.

Microsoft has engaged in highly restrictive licensing practices that has made it ''unfeasable'' for OEM computer manufactures (Dell, Gateway, IBM, ect...) to support non-Microsoft operating systems. This has forced free and / or alternative operating (i.e. Linux, FreeBSD, OpenBSD, BeOS) into the domain of the technical hobbyist, which is an extremely small portion of the operating system market.

Microsoft delays or suppresses publication of interfaces, protocols, and file formats that would be useful to third party developers. These interfaces, protocols and file formats are all available to Microsoft programmers, but are (in general) not available to non-Microsoft programmers. This gives Microsoft an insurmountable edge in that they can easily write software that interacts with other Microsoft software, but non-Microsoft developers are unable to write software with tight integration to Microsoft products.

Microsoft is notorious for taking industry standard interfaces, protocols, and file formats, changing or extending them slightly before integrating them into Microsoft products. This allows them to proclaim ''industry compliance'', but they will rarely publish the extensions that they have made to the interfaces, protocols, and file formats. This has two unfortunate effects. The first is similar to the point raised above: only Microsoft can effectively use the extended interfaces, protocols and file formats. The second is that by not announcing or documenting extensions, they have effectively made the interfaces (or protocol, or file format) Microsoft's, as nobody can extend or change the interface without potentially interfering with Microsoft's extensions (because nobody outside of Microsoft knows what Microsoft is doing). In light of this, clearly more punative actions must be applied to Microsoft to force it into a position where it cannot simply walk into any market and crush it by sheer financial clout. I would propose the following as the sort of steps that must be taken to limit Microsoft's monopoly power.

Microsoft's cash reserves must be drained. This would involve a penalty (or stock dividend) in the range of 33 billion dollars, and would bring Microsoft's cash to gross income ratio into the same range as other large companies (such as General Motors).

Microsoft should adopt a simplified, non-restrictive licensing policy for OEM computer manufactors. Failing this, an outright ban should be made on bundling non-free software with computers. While a split of the Microsoft corporation is desireable. It is very difficult to define a dividing line. I would propose a remedy of modularizing of the software packages produced so that each application would have a specific task (i.e. word-processing, spreadsheet, illustration, painting, ect...) as opposed to massive conglomerations of product (i.e. Microsoft Office). The only contact that the teams would have would be via publicly published documentation on interfaces, protocols and file formats. This would allow for outside manufacturs to tightly integrate their software with Microsoft's products.

These are a small sampling of the concerns that I have with the proposed settlement between the Department of Justice and Microsoft. Consider this my plea to reconsider the proposed settlement, and work to make it sufficiently strong as to actually stop Microsoft in their quest to completely dominate the computing industry.

Thomas A. Dilligan
San Rafael, CA.

MTC–00027336

From: dave@campdave.newww.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:13pm
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).

I find it particulary objectionable that the PFJ doesn't take into account Windows-compatible competing operating systems. MicroSoft should not be allowed to raise artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows.

This problem alone makes me 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. In addition to the other problems expressed by Dan Kegel, I strongly believe that the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

David B. Belser

MTC–00027338

From: John Fulton
To: Microsoft ATR
Date: 1/27/02 11:25pm
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to comment under the Tunney Act on the proposed settlement of the United States vs. Microsoft antitrust case. I realize that you have to go through a lot of material,

so in order to be as brief as possible I would like to echo the comments made by Dan Kegel, which can be viewed at: http://www.kegel.com/remedy/letter.html

I support his overall comments on the proposed settlement and would like to add my voice to his.

Thank you,

John Fulton

Webmaster, Rutgers University Computing Services

MTC–00027339

From: Young Jun Key
To: Microsoft ATR
Date: 1/27/02 11:15pm
Subject: Microsoft Settlement

To Department of Justice

Hello, I'm a student who is interested in studying computer science at State University of New York at Stony Brook. First of all, I'm very disappointed at the outcome of the trial. I was in the United States when the trial was on going, and I fully understand the effect of the tragedy of September 11th on the trial. Although I'm not a citizen of the United States of America, and I don't fully understand the importance of Microsoft as an national financial benefactor, I feel that trial was too much subdued due to the national crisis. As far as my understanding goes, United States has built it's economic strength upon technological basis. Computer technology is the most outgoing technology of the age and the Microsoft is the leader of the computer software. They are clearly violating the anti-trust law. When there are less than 10 corporations competing in one specific field of business then the business is being monopolized. I've used almost every version of Microsoft Windows and it's clearly becoming more focused on the Microsoft corporation itself. I believe this convenience is winning the market. We need to provide more chance and equal opportunity to other venture businesses that's being blocked by the Microsoft giant. This trial may benefit American economy for the moment, but we need to realize that it is only a temporary solution. I think that the issue must be brought back into the court for more fair and just solution.

Sincerely,

Young Jun Key

MTC–00027340

From: V.V.
To: Microsoft ATR
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

I wish to comment on the recent AOL ''Legal Strategy'' I believe this lawsuit has anything to do with consumers. AOL has been using the political and legal systems for competing against Microsoft for several years. This is just the next legal tactic in their business plans.

AOL or anyone need not advise Microsoft that their marketing strategy should be ''stripping down Windows'', and instead of wasting time in courts try to build a Operating System like Windows and see how it takes to do that and if ever it is possible for anyone to make a world class OS like Windows.

The question to challenge browser integration with Windows is itself invalid because

1. Microsoft does not charge for their browser

2. Any AOL patron can easily install their own browser if they dont wish to use the MS browser

3. AOL itself follows the same strategy by acquiring Netscape and bundling theor browsers everwhere (even in my laundry underwears!!!) A spam of the highest degree.

Therefore please dont disturb Microsoft time with the non-sense court matters, but rather challenge and compete them in the Marketplace.

Sincerely,

Vivek Velso

MTC–00027341

From: Neale, Bennett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

Dear Sir/Madam:

By way of the Tunney Act comment process, I am strongly urging you to reconsider the settlement of the United States vs. Microsoft antitrust lawsuit. Thank you for your time.

Bennett Neale
bneale@edmunds.com

MTC–00027342

From: mabel@qtm.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:13pm
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,

Anne Canning
23431 Fosdick St.
Dowagiac, MI 49047–7433

MTC–00027343

From: EHOO88@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:19pm
Subject: MICROSOFT SETTLEMENT

Gentlemen:

Please settle this lawsuit in favor of Microsoft and stop wasting money and time constantly trying to breakup Microsoft.

Microsoft is a magnificant firm with brilliant ideas and has helped America to be a pioneer in the field of internet and software. Microsoft has helped students, business people, lay people and people all over the world with their products.

All these lawsuits disrupting Microsoft is a waste of money and time.

God bless America.

Sincerely, Elaine Hoo

MTC–00027344

From: Kathleen Dolan
To: Microsoft ATR
Date: 1/27/02 11:20pm
Subject: Microsoft Agreement

Dear Renata Hesse, Trial Attorney:

I wish to add my voice to the concerns over the proposed settlement of the Microsoft Antitrust Case. I believe that Microsoft has made it extremely difficult for anyone to purchase a computer without using Microsoft operating systems and software. Because of their marketing strength, they have been able to make almost all computers sold in the US dependent on their operating systems and software. This proposed settlement does not deal with the basic issue of the case: the stifling of competition in the operating system market. Please do not allow this to go through.

Thank you,

K.A. Dolan
Dolan and Taylor Associates
P.O.Box 531
Garrett Park, MD 20896
CC:kdolan@dgs.net,Steven C Johnson

MTC–00027345

From: A-Valkanas@neiu.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 11:15pm
Subject: Microsoft Settlement
27 Jan 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft Corporation antitrust case. I wish to state how disappointed I am in US Atty. Gen. John Ashcroft, Illinois Atty. Gen. Jim Ryan, and all the other states'' attys. general in this extremely weak and poor settlement with the Microsoft Corporation. With their track record of poor products and their quashing of almost every possible threat to their monopoly (such as the cases with Netscape and their pending litigation against Lindows), Microsoft has acted against the public's welfare and has cost the economy great quantities of productivity. For example, assuming a user base of one million users who must endure one crash of their Microsoft OS, a 240 day work-year of 8 hour work-days and an average salary of $22,500, those unscheduled coffee breaks cost a total of over $29,000,000 per annum in lost productivity. This amount does not take into account the time needed to recreate lost works in progress or delays to customer inquiries because of the delays.

I also wish to add that I am in full agreement with the statements of Dan Kegel, located online at http://www.kegel.com/

remedy/letter.html ; Jeremy P. White, CEO of CodeWeavers, Inc, located online at http://www.codeweavers.com/jwhite/tunneywine.html ; and the Free Software Foundation, located online at http://www.gnu.org/philosophy/microsoft-antitrust.html.

Any settlement with Microsoft is unsatisfactory. This company, and its management, need to be punished much more severely than this settlement possibly would. Sincerely,

Andrew Valkanas
2523 W Farwell Ave
Chicago IL 60645

MTC–00027346

From: Grayson Aahr
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. So long as it is intact the company and its leadership will do all in its power to stop legitimate competition. This is not our free enterprise system. Consumers need competition and choice so they, not Microsoft, decide what products are on their computers. Microsoft must not be permitted to decide what programs will run on MY computer. It must not decide the direction of the entire marketplace. Let the ''invisible hand'' of the market work. The remedies proposed by the several States are certainly necessary and in the public interest, but they are not sufficient without removing the proven illegal monopoly power from the hands of the malefactors.

I strongly urge that public proceedings under the Tunney Act be held so that the entire public may be heard, not just a narrow group of interests.

Clifford I. Nomberg, J.D.
Post Office Box 243055
Boynton Beach, FL 33424–3055
561–733–3069

MTC–00027347

From: William Law
To: Microsoft ATR
Date: 1/27/02 11:21pm
Subject: Microsoft Settlement

To the Department Of Justice:

Hi, my name is William Law, and I for one think it was a great idea to file a lawsuit against Microsoft. Truthfully, I think it was wrong for what Microsoft did, to do things illegally, and the theory for them to take over the whole entire business. First of all Microsoft had too much power, and had too much monoplies. Not only that, but in order for Microsoft to gain such power, they had illegal acts to help eliminate its rivals and made sure Microsoft was the only operating system for PC's and OEM's. Not allowing other internet companies, and had restrictions on OEM's. They broke the first and second act of the Sherman Act. They tried to eliminate Netscape by limiting it's resources, and as well as java. Trying to delete Java, is trying to eliminate other programmers to in such eliminating other possiblities for choice of Netscape. Microsoft did not give other smaller companies a chance to grow in the market. Which can result in overpower in the market. Which in that case, Microsoft can raise it's prices on their products, and no one can do anything about. Since they are the only operating and software out there to support a PC, and other OEMS.

Breaking up microsoft can help consumers to have more options and save more money when it comes to Pc's and programs for the operating systems. I am glad that you gave freedom to the OEM's as well as other small business's the right to choose alternative operating systems for the consumer's PC. As well as not letting Microsoft to corporate with Windows was also a good idea, so that way Microsoft can't restrict certain software only to Windows. That way Windows is open free for other software programmers to share with. All these new rules will definetly help people save money, and save the market from the might powerful Microsoft from conquering all of it. What you have done was a great idea, and I for one am glad that somebody has put a hold on Microsoft from taking all of the computer business. I also wanted to say, letting people write comments to the department of justice was a great idea. That way you can hear from the people's point of view. Thank you for your time and patience.

Sincerely,
William Law

MTC–00027348

From: Harold J Williams
To: Microsoft ATR
Date: 1/27/02 11:21pm
Subject: Microsoft Settlement

To Whom It May Concern

AN IMMEDIATE SETTLEMENT FOR MICROSOFT IS IMPERATIVE!!!

My feelings right now is that Microsoft is being shafted and penalized for being a successful company by the Government (DOJ) as well as bunch of competitors that are seemingly not smart enough to be as good as Microsoft. They are trying to get some of Microsoft's smarts by filing lawsuits.

All of those ridiculer suits should be thrown out and so Microsoft can get on with it business of providing high tech software and hardware to the public.

I do not believe Microsoft is over prised as I have a lot of Microsoft software on my computer. My e-mail is not Microsoft but sure is not AOL and never will be!!

Harold J. and Carole L. Williams
21104 33rd Drive SE
Bothell, WA 98021–3235

MTC–00027349

From: Stephen Horlander
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement

The fact that a convicted monopolist, who has deliberately hurt competitors and suppressed innovation, can be let off with a slap on the wrist truly makes me wonder about the state of our legal system. This proposed settlement in no way will limit Microsoft from continuing to abuse their illegal monopoly, and crushing potential competition and further strangling their own customers, who will be left with little or no choices.

Already Microsoft has laughed at the Department of Justice and the community at large by further populating their operating system with services such as Windows Messenger or Windows Media Player or the dreaded Passport, which seeks to obtain a new monopoly on not just operating systems but on a persons personal information. These services are not even removable by the end user, they are stuck with them just as they are stuck with Internet Explorer. Not only must people suffer with un-needed programs but Microsoft quickly proceeds to shove notices for these services in the users face with no way to disable them.

Microsoft uses its monopoly on operating systems and browsers and office software to keep a hold on its customers, customers who have no way to escape because Microsoft will not release its file formats or protocols to the public. I really hope that someone comes to their senses before it is too late. Please show Microsoft that it cannot do what ever it wants with no consequences just because it has enough money and power to do so.

MTC–00027350

From: John McNair
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to express my concern about the proposed settlement in the case of United States of America vs. Microsoft Corporation. I oppose the settlement on several grounds enumerated as follows:

I. The settlement fails to address the real damages inflicted on Netscape Corporation, OEMs, and most importantly, consumers with respect to the bundling and dumping associated with Internet Explorer. The United States originally brought the case in question against Microsoft because of harm it inflicted on consumers and competitors in the course of attempting to destroy Netscape. Microsoft spent over $100 million developing a product that it never intended to sell. The sole stated purpose of developing Internet Explorer was to destroy competition in the browser market. This is according to thousands of internal emails entered into evidence during the course of this trial.

Since the focus of this trial was illegal monopoly abuses concerning internet browser software, any remedy should give some attention to that particular market.

II. The settlement essentially provides that Microsoft must intend to obey the law in the future (at least for the term of the settlement). This settlement is no stronger than existing antitrust legislation and hence is a waste of paper. At best one could argue that this agreement delineates specific actions that are acceptable and not acceptable so that Microsoft cannot claim ignorance of the intent of antitrust laws in the future. However, ignorance is not what lands

Microsoft in court. It is arrogance, a total disregard for the rules that govern civilized people, that puts Microsoft on docket after docket.

III. The settlement is ineffective to prevent future abuses along the lines of Microsoft's well-documented modus operandi. Since the agreement fails to address past grievances, the presumption is that it should curtail future criminal activity at Microsoft. The court would do well to remember who the defendant is. This is the company that:

A. intentionally caused their own applications to fail sporadically when running on top of DR DOS to make that operating system seem unstable. They were ironically forced to resort to this because DR DOS was actually a far superior product than MS DOS in terms of stability and usability.

B. forced OEMs to pay license fees to Microsoft for each computer shipped whether they shipped with IBM's PC DOS or with MS DOS. This made PC DOS appear to be more expensive. This practice continued until a court ordered them to stop—eight or nine years later. And to my knowledge, Microsoft complied with that court order. However, the order came shortly before Windows 95 shipped, and where they left off with MS DOS, they picked up with Windows.

This practice is one of the major harms inflicted on consumers by Microsoft. It is impossible for a consumer to buy a pre-assembled computer from a major OEM without paying a license fee to the Redmond monopolist. Forget illegal anti-competitive practices, perjury, and extortion for a moment. Why should consumers be forced to pay for something they don't even use? In some cases Microsoft is paid for machines that ship with no operating system at all. This practice has to stop.

C. intentionally forced Word Perfect to crash sporadically when running on Windows so that it would appear to be even more unstable than Microsoft Word. This practice continued until Microsoft destroyed Word Perfect as a viable competitor. Many still consider Word Perfect to be a superior product, but that consumer choice has all but vanished.

D. dumped $100 million worth of development effort into a product to destroy their competition.

E. repeatedly gave false testimony in this trial and even submitted doctored evidence.

F. is run by a man that has told reporters that he is more powerful than the President of the United States. Why then should he have to obey US law?

G. is emulating their Internet Explorer chicanery in an attempt to crush Real Networks. Microsoft is integrating Windows Media Player into the OS and making Real Player a very difficult alternative using the same tricks that worked on Netscape. If they force OEMs to ship include Media Player and exclude Real Player, and if they make Real Player extremely difficult to install, that consumer choice will vanish as well.

These are not speculative claims. Every statement above, except G, is either from William H. Gates, III, other Microsoft executives or substantiated in a court of law. This is a very short list of reasons not to trust this company to operate in good faith. Repeatedly Microsoft has promised not to abuse its monopoly power, and repeatedly they have reneged. Why should the court trust them this time? This agreement requires far too much good faith on the part of Microsoft to have any effect at all.

The loopholes are many and large. For one thing, the agreement for all practical purposes concedes Microsoft's current operating system monopoly is a fact of life. However, ''the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This is how the Internet Explorer debacle was enabled for so long. Microsoft simply declared that the browser was an integral part of the operating system in order to circumvent a previous court order. One could argue that this tends to push Microsoft into shoddier software design practices than even they are wont to embrace, but that is outside the scope of this complaint. Section III.6.D provides that Microsoft shall disclose APIs in a timely manner while section III.J.1.a provides the legal loophole by stating ''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 ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems ...'' Microsoft has recently announced (1/15/02) that pervasive security is number one priority. This is too convenient. This gives them the argument that they do not have to release any APIs (or the ones they most want to protect) because of security risks. Microsoft can arbitrarily choose which APIs to expose, and still claim that they acted in good faith as they understood this settlement. The line is sufficiently fuzzy that any decent $500/hr lawyer should be able to drag out a case based on failure to disclose APIs for years.

Section VI.D restricts the definition of Personal Computer to x86-based platforms. Microsoft would not be in violation of this agreement if they extended their predatory practices to say, a Power PC-based platform. Microsoft has recently announced an initiative to produce a virtual hardware layer to run the Windows operating system that is similar in principle to the Java virtual machine. This would mean that Windows could run on any platform. Again the timing of such an announcement is far too convenient. This is yet another way that Microsoft can circumvent the terms of this agreement. Microsoft has demonstrated repeatedly that they have no respect for the law. They will agree to anything that they deem to be a reasonably cost effective means of getting out of court. The terms of the agreement matter little to them for it will be business as usual within a month. Anecdotally, I have known of former Microsoft employees claiming that they know of no other company that spends more of its resources on simply destroying its competition (using Fear, Uncertainty, and Doubt). Hoping that Microsoft will suddenly change its attitude is pure fantasy.

In short, this settlement is more of a pat on the back than the slap on the wrist it was intended to be. Microsoft has successfully waged a public relations campaign that has clouded the issues involved. When Bill Gates is whining that he's not allowed to innovate, it's easy for some to forget that he has been in court almost continuously for fifteen years for theft of intellectual property, bundling, dumping, coercion, and extortion. While not everyone has agreed with Judge Jackson rulings, I still think it must take some preponderance of evidence for a federal judge to characterize publicly the nation's most prominent CEO as a ''common street thug.'' It's sick Orwellian humor that Microsoft should complain that they have been denied the opportunity to innovate when they have unashamedly destroyed anything that threatened their tyrannical stranglehold on the PC industry.

John R. McNair, Jr.
john@mcnair.org

MTC–00027351

From: Rchadrick@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement

The United States should settle with Microsoft now. Impose reasonable restrictions on the company and let everyone go back to work doing what they do best. Monetary penalties should be kept to a minimum. There is more important work to be done for the good of the Country. Greed should not be rewarded. The States should join the Federal settlement. Holding out to further appease the various special interests is not warranted except to exploit the situation and to extort money nefariously.

Richard Hadrick
Spring Hill, Florida

MTC–00027352

From: lgreenberg@mac.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement

I urge you to support competition in the computer world. Microsoft must not be allowed to become so powerful that users come to rely even more than they do now on a single entity. Any settlement must open opportunities to alternate technologies, allowing Americans a choice.

Thank you.
Lee Greenberg

MTC–00027353

From: Roger Sumey
To: Microsoft ATR
Date: 1/27/02 11:25pm
Subject: Microsoft Settlement

To whom it may concern,

In accordance with provisions of the Tunney Act, I am sending these comments on the Proposed Final Settlement of the United States vs Microsoft antitrust case.

The proposed settlement is seriously flawed in numerous respects. It does not redress the market gains Microsoft has achieved though illegal, predatory manipulation of OEM's, ISP's, and customers to eliminate or control any and all competition to it's monopoly in operating systems or office products, and extension of that monopoly to networking middleware. It does not restrict Microsoft from using it's

monopoly position in the future to again prevent consumers from having effective alternatives to Microsoft products. It has several provisions that provide legally recognized grounds for it to conduct anti competitive behavior in regard to the open software movement that now is it's only competition, as stated by Microsoft itself. Lastly, it provides a completely inadequate enforcement mechanism.

I find that the proposed settlement simply does not serve justice in that it provides equal consideration to Microsoft with the Government in consideration of issues of enforcement. The mechanism for selection of overseers that provides parity to Microsoft is offensive on it's face. Add to that the requirement for secrecy on their part, prohibiting one of the bastions of America's freedom, the press, from revealing any information to the public concerning Microsoft's implementation of the settlement will prevent that most effective check on Microsoft's often egregious business practices. Microsoft has been found guilty of illegal actions. The settlement should reflect that fact and in my opinion it does not.

There are many other aspects of the settlement that are seriously flawed that I will not detail. It does not deal realistically with Microsoft's long history of predatory behavior that continues to this day. Just yesterday, January 26, I read a report of Microsoft denying information on .Net technology to an developer because they refused to develop exclusively with .Net, intending to support Java networking solutions also.

My comments on the proposed settlement are most respectfully tendered.

Roger Sumey
4309 Snowdrop Court
Ellicott City, Maryland
(410) 465–6690

MTC–00027354

From: Jonathan Sorger
To: Microsoft ATR
Date: 1/27/02 11:26pm
Subject: Microsoft Settlement

To U.S. Department of Justice:

I have been following the Microsoft antitrust case and have noticed a disturbing pattern that has plagued the business world...that competition is no longer the catalyst for developing new products in certain markets...that monopolies continue to exist and operate with impunity.

Former U.S. Senator John Tunney criticized Microsoft's disclosure of its contacts with our government throughout the antitrust case as ''inadequate''. Microsoft interpreted his legislation, The Tunney Act, with tunnel vision; and ultimately, to their benefit, as the case was settled with the U.S. government and 9 of 18 states. Why have large corporations with their Congressional lobbying groups become so influential in determining the fate of the general public?

This is a company that produces a ubiquitous operating system and now a ubiquitous internet browser; only because it has bullied and squeezed out much of the competition over the years. I am an Apple computer enthusiast, but I have to work in a Windows NT world. Yes, I use some of Microsoft's products on both platforms. They do make some good software. But is it good because they've lured or snatched up many of the talented people that worked for their competition at one time? Is it good because most consumers do not know or care what else is available because Microsoft applications were pre-loaded with their computer? I'd love to become a full-time Linux user, but am forced to use the ever-pervasive Microsoft Word because no alternatives exist.

Please do not make an already powerful company more powerful. I will bewatching what develops with the European regulators, with the 9 remaining holdout states, as well as with the Netscape browser case.

Thank you for providing a feedback mechanism to the public on this important case.

Jonathan Sorger
Washington, DC
CC:jsorger@aol.com@inetgw,dennis@bme.jhu.edu@inetgw,d...

MTC–00027355

From: Glenn Larson
To: Microsoft ATR
Date: 1/27/02 11:26pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. By allowing them to pay their fine by donating used Pc equipment (running Windows OS no doubt) to our nation's schools, they are simply guaranteeing themselves future money in support contracts and a large user base which will require ''upgrades'' when the license on their current operating systems expire.

Sincerely,
Glenn Larson
glennlarson@bigfoot.com

MTC–00027356

From: Earl Jenness
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thank you for reaching a settlement in the Microsoft case. Our economy is not in a position to grow with Microsoft tied up in Court.

This settlement was reached after lengthy deliberations between your department and Microsoft. The deliberations were aided by a court-appointed mediator. The concessions are hard fought on both sides, and should not be discarded.

If the settlement is implemented, there is serious potential for both strong short term growth and sustained long term growth in the computer industry and the economy. In the short term, the effects of the settlement will be immediate. Computer makers will be allowed to reconfigure Windows operating systems to add existing software programs from non-Microsoft companies. In the long term, Microsoft's agreements to revise its pricing practices and distribution agreements will allow for sustained growth by providing incentives for research and development.

I hope that common sense prevails and this settlement is approved.

Sincerely,
Earl Jenness

MTC–00027357

From: Sexy Nye
To: Microsoft ATR
Date: 1/27/02 11:27pm
Subject: Microsoft Settlement

An entrepreneur is someone who should be highly respected and commended for their accomplishments. Unfortunately there are times when you reach the top; you will find there are people who want to bring you down. I feel this is what is happening in this case. Why should Microsoft be punished for their exceptional success? In my opinion the accusations of monopoly are false due to the fact that competitors are still in business selling their software. It just so happens Microsoft sells more. I feel it is untrue that users are not able to use whatever software they choose. A computer only does what a user tells it to do. If you tell the computer to uninstall a piece of software and install another, it will do just that. Computer users have a choice of what software they want to use. Microsoft shouldn?t be punished for being #1.

MTC–00027358

From: Dennis Catt
To: Microsoft ATR
Date: 1/27/02 11:28pm
Subject: Microsoft Settlement
US Department of Justice,

I just wanted to give my idea of a practical solution. Though I do not believe that Microsoft should open its source code to its different applications, I do believe that Microsoft, and all software companies open the source to text, graphic, audio and video formats that are used and affect the internet. What it boils down to is that people want to have access to all content on the internet... it if being a video clip on CNET or a graphic picture or just simple text that might be proprietary to one application. I believe that software companies should share file formats of all types that range from anything that affects the internet and even Office Suites. They can keep their source code to themselves, since that is the bread and butter of their product. But file formats do not need to be proprietary, I think this will open the software industry to new opportunities and horizons and help out the computer industry as a whole. This would then keep from startup companies and companies already in the field from being discouraged by Microsoft's anti-competitive practices. As for the operating system issues, I believe that the OEMs should be held responsible for neglecting the consumers freedom of choice. I don't believe that OEMs should be required to have to sell choice operating systems to their customers, but offer technical support to both the developers and the consumers. What I mean by this is that if I a customer calls into let's say Dell or Gateway computers for information about if their computers are compatible with a particular operating system, they should have that information, and the information should be readily available. Not only is Microsoft guilty of anti-

competitive behaviour, but the OEMs have helped Microsoft force products on consumers, that don't realize that other options are available, which has made the consumer believe now that everyone be compatible with Microsoft's products. Also the OEMs of computer hardware must readily provide information to other Operating System developers and be held accountable if they discriminate any developer in the market, including Linux and other such developers.

The truth is that software developers and consumers lose to such actions of anti-competitive behaviour that has damaged the computer industry as a whole and placed it in the turmoil that it is in now. I feel that you will do what is best for the computer industry and for the rights of the consumer. The most important thing look out for and to protect is our freedom of choice... something Microsoft has all but taken from us, the consumer. Thank you for your time and I wish you good luck.

Best Regards...

Dennis

MTC–00027359

From: Amish Shah
To: Microsoft ATR
Date: 1/27/02 11:27pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I do not agree with the Proposed Final Judgment (PFJ). As I am a big advocate of technology and its advancement, I feel that Microsoft does nothing but hinder its process. As it has been obviously concluded numerous times over, Microsoft has made it very difficult for software companies to compete on the same level with its anti-competitives tactics. For ANY software company to compete with the Windows operating system or Office suite applications it would take tremendous dollars (billions most likely) to reach a user base of Microsofts level. As I write this email to you, I am using Microsoft Windows, Microsoft Outlook Express, I read an article on the Internet through Microsoft Internet Explorer, and later tonight I will write a paper in Microsoft Word. I can choose not to use these software products, but when I wish to work with the rest of the world out there electronically, I am left at the moment with only one choice of Microsoft. It is very unfortunate.

Sincerely,
Amish Shah
Box 6251
518 Park Drive
Boston, MA 02215
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00027360

From: Nikesh J. Morarji
To: Microsoft ATR
Date: 1/27/02 11:29pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Microsoft has not at all received the punishment that it is due. It is a bully in the marketplace and I for one support any decision involving breaking the company or curtailing it's growth into other areas. i.e. push it's Xbox machine as a trojan horse into living rooms and solidifying Microsoft's control over the end user and the marketplace.

Sincerely,
Nikesh J. Morarji
nmorarji@acs.ryerson.ca

MTC–00027361

From: BCook10707@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:3lpm
Subject: Fwd: Has Your Opinion Been Counted?

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter. If you would like any changes, we would be happy to make them now. The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. If you would like your opinion to count, now is the time to send in your letter! Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, or simply reply to this email with a short note indicating that you have sent your letter.

Please take action today, to ensure your voice is heard.

Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255
Email: fin@mobilizationoffice.com

Your support is greatly appreciated!

FIN Mobilization Office

MTC–00027362

From: Nels Christian Hansen
To: Microsoft ATR
Date: 1/27/02 11:31pm
Subject: Microsoft Settlement

I'd like to begin with a recommendation: have some techies find out where each comment came from originally and throw out the 5 trillion or so that come from the microsoft domain. If you don't think they'd try to pull something like that, I refer you to http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html .

I believe that the corporate culture at Microsoft has been and shall continue to be one which flaunts its monopoly power over the world, and some slap on the wrist will do nothing important. I'm not sure which particular alternative solution would be best, but the damage they have done to the software industry as a while in the past several years has been astonishing. As a result of their anticompetitive business practices, an excellent company (Netscape) and its product were brought to financial ruin, software prices have risen at a rate far greater than inflation to the point where a simple operating system and office suite, microsoft windows and microsoft office, cost nearly as much as 2 entire computers. Additionalliy, they continually ''upgrade'' their office suite for no purpose other than to force everyone to pay them extra money and they design their product to not be fully compatible with previous versions so that as soon as one person purchases it, everyone is forced to. I would praise microsoft for its development and implementation of new technologies at a rapid rate into their operating system, but at the same time they don't seem to have any respect for the concerns of us consumers regarding security, oftentimes implementing new technologies without sufficient testing, leaving systems vulnerable to security exploits. And then, when you download the patches (and they refuse sometimes to explain what the patches fix), new problems are introduced to a system which was perfectly fine. And they can get away with it because they have no competition. They are price gouging and under-innovating. Some competition needs to be introduced somehow. One interesting proposal I heard was break Microsoft into 3 companies all of which have rights to all of Microsofts products (windows, office, IE), and then allow the free market to reduce prices to a reasonable level, and then whichever is the most innovative for the least cost will triumph, whereas under the current system every time microsoft releases a new anything it triumphes, even if it is worse than the prior product (for example, windows ME, which crashed my computer so much more than windows 98 that I uninstalled it and put 98 back on). Something drastic must be done—or else everyone will be forced to learn some archaic operating system like linux simply because they can't afford the 10 trillion dollars microsoft is charging per copy of Windows.

Nels Hansen

Undergraduate at Stanford University, in Stanford, California

MTC–00027363

From: FRED21@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:31pm
Subject: MICROSOFE SETTLEMENT

GENTLEMEN;

PLEASE LEAVE MICROSOFT ALONE. THEY HAVE BEEN HOUNDED ''ENUF. I HAD TO HAVE SOMEONE PROGRAM MY FIRST COMPUTER AT GREAT EXPENSE. NOW WITH WINDOWS, WE CAN ALL RELATE TO EACH OTHER. BILL SHOULD HAVE MOVED TO CANADA OR SOMEWHERE. SO OUR GOVT.; COULDN'T BOTHER HIM. HE RECOGNIZES THAT WE HAVE TO LET OTHERS DO BUSINESS AND HAS MADE CHANGES.

FRED D. WINTER
4660 MONTICELLO
BEAUMONT, TEXAS 77706
FRED21@AOL.COM

MTC–00027364

From: Tavis Barr
To: Microsoft ATR
Date: 1/27/02 11:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I urge you to not accept the settlement that the Justice Department and

Microsoft have proposed.

Microsoft has continually abused its control of bottleneck facilities— resources that it currently monopolizes—to gain monopolies in new markets. It has used its monopoly in the productivity suite market to help perpetuate a monopoly in the desktop operating systems market, and it is now attempting to use its monopoly in the operating systems market to create a monopoly in the web services market that has the potential to be even broader than the one it now enjoys.

A key in opening up these bottleneck facilities is to allow third parties—both commercial and non-commercial—to gain the ability to create alternatives for Microsoft products and thereby prevent Microsoft from stacking one monopoly on top of another. This would principally require opening up Microsoft's APIs, and providing a strong guarantee that third parties would not be subject to patent enfringement lawsuits for writing programs that emulate these APIs.

The proposed settlement allows far too many loopholes to be seen as a serious remedy. First, because so many forms of communicatiion between computers and their subsystems involve authentication, an exemption for not sharing security-related APIs could be interpreted broadly by Microsoft as a requirement to share very little. Second, the requirement is largely backward-looking: It does very little to require Microsoft to publish the APIs for the .NET middleware that it is currently using to develop a new monopoly in web services. Third, Microsoft can still use End-User License Agreements to prevent its own software from running with other people's implementations of its APIs. Finally, there is no protection from patent-infringement lawsuits for parties that attempt to duplicate implementations of these APIs, or even a requirement that Microsoft state which API implementations may be subject to patent-protection. The lack of such information means that Microsoft can threaten patent-infringement lawsuits to clients of its potential competitors without providing any specifics as to what the infringement is.

There are many more flaws in the proposed settlement, but I believe the above are enough to generate serious reservations about adopting it. I thank you for your time and attention.

Sincerely,
Tavis Barr
Assistant Professor of Economics
Long Island University
202 Hoxie Hall
C.W. Post Campus, 720 Northern Blvd.
Brookville, NY 11548

MTC–00027365

From: William Moss
To: Microsoft ATR
Date: 1/27/02 11:34pm
Subject: Microsoft Settlement

To whom it may concern,

Under the provisions of the Tunney Act, I am writing to add my voice strongly against the proposed settlement of the case of the United States of America vs. Microsoft Corporation (Civil Action No. 98–1232) as is encouraged. From my perspective, Microsoft's anti-competitive practices have almost destroyed innovation in the computer field today. No punishment can undo this damage as it is now impossible to bring back the competitors that have been forced out of business or into other markets. Please consider requiring the proprietary standards Microsoft uses to lock developers into their technologies to be opened to the public domain (if not the actual source code, at least a well documented specification). Though there are other problems with the settlement, this omission is one of the most glaring to my eyes.

In summary, the currently proposed settlement between the USA and Microsoft is insufficient and should be changed.

Thank you for considering my comments. I hope this missive reaches you in time.

Mr. William Lorenzo Moss IV

225 Moss Side Drive, Athens, GA 30607, (706) 548–7273

3801 West Hayward Court, Tucker GA 30084, (770) 270–9217

MTC–00027366

From: ronc@hal-pc.org@inetgw
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,
vs. Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION,
STATE OF NEW YORK ex. Rel.
Attorney General ELIOT
SPITZER, et al.
Plaintiffs,
Civil Action No. 98–1233 (CKK)
vs.
MICROSOFT CORPORATION,
Defendant.

May it please the Court: I am writing to the Court as a concerned citizen and member of the Texas Bar who is also an Adjunct Professor of Law (Computer Law) at South Texas College of Law in Houston, Texas.

I have observed the proceedings of the Microsoft Antitrust case and now, under the provisions of the Tunny Act, I come before the Court and pray that the Court considers the following remarks regarding the Settlement between the United States Department of Justice and Microsoft Corporation (the ''Settlement''), to wit:

1. Microsoft has achieved its monopoly through careful manipulation of the network effect. The network effect has been discussed in other documents now before the court. Put simply, the network effect is present when software developers create software for a particular platform which attracts users. More users attract more developers who develop more programs which attract still more users, and so on. The critical aspect of the network effect is communication. The core function of a network, after all, is the transfer of information from one entity to another. Communication on a network is accomplished through various means, including protocols (such as TCP/IP), formats (such as the .doc format for Microsoft Word documents), and application programming interfaces (''API's''). Microsoft has purposefully devised formats and protocols that are difficult to decipher and thus difficult for competitors to create software that is interoperable with Microsoft's products, thereby encouraging users to avoid non-Microsoft products.

Microsoft adroitly exploited the network effect to protect and extend its monopoly, in an illegal manner, by careful selection, protection, and imposition of proprietary communication formats, protocols, and API's. Microsoft protects its formats and protocols with abusive copyright and patent legal actions against competitors.

2. Because Microsoft illegally maintains its monopoly by manipulation of the network effect, any remedy imposed on Microsoft must address Microsoft's ability to manipulate the network effect. Competition cannot be restored unless and until Microsoft is precluded from manipulating the network effect in an illegal manner that maintains or raises the barrier of entry for competitors.

The Settlement is completely silent as to formats, and is almost completely silent as to protocols and API's. Moreover, where the settlement is not silent, the loopholes that have been afforded to Microsoft will render those portions of the remedy impotent. For example, in Part III (Prohibited Conduct) of the Settlement, Microsoft need only provide an API set for Windows XP, Service Pack 1, and only for the API's used by Microsoft middlware. What if Microsoft declares, as they have in the past, that Internet Explorer is a part of the operating system and not part of middleware, and thus Microsoft's API's to Internet Explorer remain unpublished. This tactic could be used for any program that Microsoft desires, and gives Microsoft the ability to circumvent the remedies of the Settlement.

3. Microsoft must not be allowed to use patents to circumvent any settlement or court sanctions. The Court should include within the remedy a provision that precludes Microsoft from asserting intellectual property rights that attenuate or otherwise defeat any provision of the remedy.

4. Eliminate the OEM restriction. This is considered in the Settlement with the Department of Justice. However, the language used in the Settlement Agreement leaves wide latitude for Microsoft to punish OEMs for displeasing Microsoft, simply by saying that the sanctions imposed on the particular OEM by Microsoft is for another reason.

5. Portions of the Settlement prejudice Open Source software development — Microsoft's only real competition. For example, in Part III(E), Microsoft is required to allow third parties to have access to the Windows Operating System Product for the ''sole purpose of interoperating with a Windows Operating System Product, on

reasonable and non-discriminatory terms.'' However, those terms struck by Microsoft would certainly include a monetary royalty, which would be prohibitively expensive for any open source project that would otherwise compete with a Windows Operating System Product.

6. There must be a ''fast track'' procedure for settling disputes arising from Microsoft's behavior after the Court has issued its remedy. The Court should take a cue from the dissenting nine states had appoint some type of Magistrate who can make decisions and impose sanctions on Microsoft before the damage is done. Microsoft has a well established history of delaying implementation of remedies until a technological circumvention for those remedies has taken hold in the market. In other words, Microsoft has in the past made technological changes in their products that defeat conduct remedies and used tactical legal maneuvers to delay rescission of the remedy-defeating conduct until it is too late for the market restore the previous level of competition.

7. What about punishment for ill-got gains? Can we allow Microsoft to break our laws over the course of many years and pay no fine? Is Microsoft to be allowed to retain the enormous sum of money ($34 Billion USD in cash alone) that it has received through the inordinately high prices of its famously poor quality products? Is the Court going to let crime pay and provide an example to future Microsofts that violating the Sherman Act does indeed pay?

Conclusion: As the Settlement does not address adequately Microsoft's ability to affect the network effect, and thus cannot force Microsoft to change its behavior. Moreover, there is no punishment of Microsoft for past wrongdoing, and thus the remedy does not serve as a deterrent to future wrongdoing by Microsoft or those who would copy its behavior.

Consequently, the Settlement is not in the public interest and should be struck down by the Court.

Respectfully submitted,
Ronald L. Chichester

MTC–00027367

From: Michael Marking
To: Microsoft ATR
Date: 1/27/02 11:35pm
Subject: Microsoft Settlement
Hash: SHA1
Sunday, 2002.01.27
Renata B Hesse
Antitrust Division
U S Department of Justice
by e-mail to microsoft.atr@usdoj.gov

Dear Renata B Hesse:

I am opposed to the terms of the proposed settlement (''Stipulation'') in United States of America vs Microsoft Corporation. (Civil Action No. 98–1232 (CKK)) There are many faults in the terms of the Stipulation. I will briefly list some of the most egregious:

(1) The penalties proposed to be paid Microsoft Corporation for past actions are wholly inadequate when viewed against the scope and severity of Defendant's past actions. Although it is impractical for the most part to attempt to restore conditions to those existing prior to the unlawful conduct of the Defendant, Microsoft will be allowed to retain almost all its unlawfully-acquired profits, and no attempt is being made to compensate past or existing customers and competitors in any way for their injuries. One of the most profitable violations of the law in history is not being redressed.

(2) The development of open-source and free software is one of the most innovative, vital, and fastest-growing segments of the information services industry. It is also (by Microsoft's own words) the strongest threat to their monopoly. By the inclusion of terms allowing Microsoft to avoid licensing APIs and other information to non-business entities, the Stipulation actually strengthens Microsoft's monopoly. As such it works to achieve the opposite of what is ostensibly desired.

(3) The details of the terms allow Microsoft to delay releasing important information (such as APIs) until their value has been considerably reduced, while allowing its own middleware and application developers to use them early. This permits Microsoft to continue to to act in the very way which is contrary to the law, to use its monopoly in one market to further its own dominance in another.

Microsoft's own developers in middleware and applications areas have a distinct advantage over those of competitors, allowing Microsoft to continue to use its monopoly in one market to unfairly compete in other markets. This Stipulation does almost nothing practical to remedy that situation. APIs should be published as soon as the middleware and applications developers have access, not after they have made use of them.

(4) Some of the terms are vague. For example, their is no specificity with regard to the level of detail required for documentation of interfaces and other technical information. Although such matters are sometimes difficult to specify, in other agreements it has sometimes worked well to make comparisons. (The Stipulation might specify documentation quality, detail, and thoroughness equivalent to that found in some other specific documents. The comparative documents might even be certain ones from the Microsoft Press.) Similarly, there are no definitions of releases or other critical business and engineering activities and events. Is an ''evaluation copy'' or ''test copy'' given in advance of a beta to be excluded from the requirements of the Stipulation?

(5) The ability of Microsoft to enter without restriction into joint venture or joint development agreements is an easy way for them to circumvent some of the other restrictions.

(6) Microsoft is free to use combinations of the various loopholes (such as the joint venture or development clause in Paragraph G) to put development of critical sections of the code out of the reach of the restrictions given in the stipulation, folding those technologies back into Microsoft when convenient for them. Through back-licensing and option agreements, the requirement to publish APIs in a timely fashion will have been avoided.

(7) The Stipulation focuses on desktop computers. However, Microsoft and most of the rest of the industry feel that future growth will be more in areas of entertainment, networks, and embedded systems. Since there is an apparent surrender on the part of the United States regarding past unlawful actions and profits, a forward- looking agreement should at least consider the way Microsoft's business will operate in the future.

In summary, the Stipulation seeks to bypass the law, legitimizing conduct which violates the anti-trust laws. It is little more than a sell-out.

Normally, I would think that the short (five-year) term of the Stipulation is too short to be effective. However, under the circumstances, this agreement may make matters worse rather than better, so—if it is permitted at all—perhaps it should expire after only a year. At that time, the Court should review how well the terms of the Stipulation have worked to further the interests of the people of the United States.

Sincerely yours,
Michael Marking
Bionic Buffalo Corporation
2533 North Carson Street, Suite 1884
Carson City, Nevada 89706–0147
marking@tatanka.com

MTC–00027368

From: Bert (038) Vivian Goff
To: Microsoft ATR
Date: 1/27/02 11:36pm
Subject: Microsoft Settlement

This e-mail is to express my strong concern with and disapproval of the proposed settlement between Microsoft and the government. I urge that much stronger constraints be placed upon Microsoft than now proposed. I am especially concerned about the monopoly situation with pre-loading Windows on virtually all Intel systems sold. There should be substantial unbundling of the software from the hardware so that both consumers and business have a meaningful choice.

The situation with Office software is not much better, but here I think the problem has more to do with Microsoft's control and frequent changing of the file formats. I recommend that the solution include public, free documentation of all file formats BEFORE release of any office product upgrades. In addition, there should be clear public documentation of ALL operating system (Windows) functions used by Office.

Hopefully a settlement will address these issues and ensure a much more open marketplace in the future.

Sincerely,
Bert Goff
Stoneridge Systems Consulting
56 Linda Lane
Bethel, CT 06801
e-Mail: bertgoff@attglobal.net
voice: (203) 205–0150

MTC–00027369

From: Daryl L. Biberdorf
To: Microsoft ATR
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement
Renata B. Hesse

Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: opposition to proposed Department of Justice settlement with Microsoft

I am writing today to oppose the proposed Department of Justice settlement with Microsoft. I have been a professional programmer and database administrator for approximately twelve years. I am the lead author of the book PowerBuilder 5 How-To, published in 1996 by the Waite Group Press (ISBN 1571690557). I have two primary problems with the settlement. The first problem is that the requirement to publish Microsoft APIs (III.D in the proposed settlement) could be interpreted to mean that the interfaces may be made available solely to commercial entities. The list of recipients of the published APIs includes ISVs, IHVs, IAPs, ICPs, and OEMs. None of the definitions of these terms refers specifically to individuals. As a programmer (possibly as a hobbyist with a new idea working in my spare time), I do not believe any of these terms requires Microsoft to publish their APIs to me as a specific individual.

Microsoft should be compelled to publish their APIs, period. I should not be required to declare myself an ''entity'' (which usually implies a business entity such as a partnership or corporation) in order to study Microsoft's APIs.

The second problem is more serious. The proposed settlement requires Microsoft to publish details of their communication protools (III.E). However, this requirement is completely negated in III.J.1, which explicitly ALLOWS Microsoft to refuse to publish APIs involving encryption in numerous forms (anti-piracy, network security, operating system security, etc.)

There are scant few communication protocols in this wired age that do NOT require security or encryption or both. Basic protocols like SMTP (the Simple Mail Transfer Protocol, used for transferring Internet email) can require senders to provide a username and password or to have an identifiable domain name. Can Microsoft avoid publishing their email protocols (or entensions to standard protocols like SMTP) simply by claiming ''security''? The next generation network protocol in use on the Internet, IPv6, offers encryption as a CORE component.

That is, you cannot use IPv6 without encrypting the connection. Microsoft can use III.J.1 to restrict publication of a CORE network API under the claim of ''security''.

Additionally, Microsoft has modified existing STANDARD protocols in such a way as to prevent interoperability with other products. Perhaps the best example is Kerberos, a system of authenticating users securely. Originally developed at the Massachusetts Institute of Technology, it has become a standard technology in security-conscious implementations. All UNIX vendors, Linux, and several database vendors offer Kerberos implementations that easily integrate and work together. Microsoft's implementation of Kerberos in Windows 2000 was an ''extension'' of Kerberos that did NOT interoperate at all. Can Microsoft prevent the integration of their product with other products in use at a site simply by claiming ''security''?

Microsoft has repeatedly altered the Windows file- and print-server protocol, SMB, in order to foil the freely available Samba implementation. SMB networking authenticates users, thus involving ''security''. Samba is offered by a group of individuals working together across the globe. They are not an easily-recognizable ''entity''. Thus, the two problems I have discussed come together and make it impossible for the Samba team to deliver a product enabling non-Microsoft systems to interoperate with Microsoft products. This product is popular and effective. No wonder, since it is significantly cheaper to implement that Microsoft's solution. Does anyone doubt that, based on their previous history of monopolistic practices, Microsoft would seek to withhold details of Windows networking APIs on these grounds?

To recap, I oppose this settlement because it fails to protect individuals'' ability to learn and study Microsoft's APIs and because Microsoft will almost certainly refuse to publish APIs that involve ''security'' in the broadest sense possible. This settlement should be re-worked to remedy these problems.

Finally, I agree with the points made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html. I add my support to his words.

Sincerely,
Daryl L. Biberdorf
2117 Larkspur Drive
Carrollton, Texas 75010
972.543.7535 office
214.731.8496 home
darylb@pobox.com

MTC–00027371

From: pray@meer.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:33pm
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,
McLaughlin Vivienne
HC. 82 Box 49
Marlinton, WV 24954

MTC–00027372

From: Steve Golowich
To: Microsoft ATR
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement

Dear Antitrust Division:

Under the Tunney Act, I would like to comment on the proposed final judgment (PFJ) in United States v. Microsoft. The PFJ is not in the public interest. Of the many reasons why this is so, I would like to emphasize the fact that the PFJ does too little to erode the Applications Barrier to Entry. In particular, the PFJ does nothing to prevent Microsoft's use of undocumented proprietary file formats as barriers to entry in various markets. In my own daily work, I often find it impossible to avoid using Microsoft products to read files created by Microsoft Office and sent to me by others. This situation must be remedied by forcing Microsoft to publish all of their proprietary file formats, and more generally, any proprietary protocols necessary to inter-operate with Microsoft products. This issue will grow in importance with Microsoft's attempt to dominate the internet with their .NET initiative.

Sincerely,
Steven E. Golowich, Ph.D.
41 Havenwood Drive
Livingston, NJ 07039
973–758–9249

MTC–00027373

From: Gainhead@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:38pm
Subject: Support For Microsoft To the Department of Justice,

With much respect, I ask the court to rule in Microsoft's favor. A free society means a free and unregulated economy. Microsoft is morally justified in conducting business in any way it wants, as long as no fraud is committed.

Success should be praised, not punished in a free society

Marc Diamante
Pembroke Pines, FL

MTC–00027374

From: Ladytan81@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:39pm
Subject: Microsoft Settlement

Dear Judge,

I am upset about the recent settlement between the Justice Department and Microsoft (PFJ). The PFJ does nothing to stop Microsoft from operating as a monopoly. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. By letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java a terrible standard is being set. All these tactics lower competition in a supposedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

I would request that you do your best to overturn this settlement.

Sincerely,
Tania Butler
248 Lincoln Street,
Lexington MA
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00027375

From: Tom Gwozdz
To: Microsoft ATR
Date: 1/27/02 11:38pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement against Microsoft. It is my opinion that the settlement is inadequate in providing reparations for Microsoft's actions, and in preventing Microsoft from commiting such actions in the future.

The settlement does nothing to prevent Microsoft from continuing in its abuse of its monopoly. Futher, it does nothing to help repair the damage that Microsoft has done to the software and computer industries. It is my opinion that a new settlement should be drafted to address these issues.

Thank you for your time.

Sincerely,

Tom Gwozdz

MTC–00027376

From: Christopher Scott Archibald
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

the way i see what the settlement, your just giveing Microsoft more power than before. They get to stay the way they are, and now as there punishment they have you donate computer using there software and to school and give support. Isn't the whole case about how Microsoft became a Monopoliy. And now your giving them a chance to make it bigger. What i see happening is Microsoft getting bigger with the help of the US goverment. And how can we turst are goverment when they help Monopoliys.

Christopher Scott ''Sugarbear'' Archibald

MTC–00027377

From: DHAVAL PARIKH
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

TO the Court

My opinion about the case of U.S. vs. Microsoft anti-trust is that the act of monopoly done by the Microsoft is a serious concern to the industry, users and the overall growth of the system. Today Microsoft is one of the largest industries producing almost all verity of applications and operating systems.

My Points against Microsoft

The settlement will make only temporary difference, as it has no firm and fundamental action to solve the case.

The harm is that it is preventing the new companies to rise by its uncompetitive price and product, a reaction of one company as a whole.

Microsoft providing unnecessary software's (like Internet Explorer and other application programs) with its operation system has result in loss of many small web-based software companies trying to grow.

Splitting of the company is the best option and in best interest of the people and new companies.

Microsoft releases test version of its operating system for free or nominal cost and thereby capturing the market letting no other operating system to spread in market.

Microsoft has a great name in the so defined .com Internet Company and now .NET, which is considered to be controlling the whole e-commerce. But it is not a wise act for one company to control nor is it possible to do so. It will result in overall disaster and prevail to Internet to flourish in all aspects.

By ending my viewpoint I request the court to consider all aspects in the betterment of people and industry and reinforce the facts for positive results in future. sincerely

MTC–00027378

From: Jason
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

To the Department of Justice, Antitrust Division:

Leave Microsoft alone. They have never used force, the threat of force, or fraud, against their customers or competitors. Government prosecution of any person or group for any other reason constitutes an act of despotism. And that is exactly what the Sherman and Clayton Acts have institutionalized: despotism.

The government does not know what's best for Microsoft, it's competitors, or me—the consumer of products in the markets Microsoft has entered. Everyone has the fundamental right to keep and dispose of the products of their labor. This means me, and this means Microsoft. If Microsoft wants to ''bundle'' its web browser on Windows, but not Netscape's browser, that is Microsoft's right. If Microsoft wishes to provide Original Equipment Manufacturers with Windows only when those OEMs agree to refrain from including a competitor's software, that is Microsoft's right. If other people or firms do not like Microsoft's manner of business conduct, they are free to refrain from doing business with Microsoft.

Government imposition on the non-coercive business policies of private citizens and companies represents a violation of the inalienable individual rights recognized and guaranteed by the United States Constitution. Antitrust is an immoral, impractical system. Leave Microsoft alone.

Sincerely,

Jason Matthew Lewis

MTC–00027379

From: Michael Jochimsen
To: Microsoft ATR
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

As a former employee of Microsoft who was part of the engineering effort behind IE, I have followed the United States vs. Microsoft case with great interest. Now that a Proposed Final Judgment has been filed, I would like to offer my comments as part of the public commentary provided for by the Tunney Act.

In order for the Proposed Final Judgment to meet the standards of a remedies decree in an antitrust case, it must free the market from anticompetitive conduct by the defendant, terminate the defendant's illegal monopoly, deny the defendant the fruits of their illegal actions, and prevent the defendant from abusing their monopoly in the future. I will briefly examine the how the Proposed Final Judgment addresses each of these requirements. A variety of anticompetitive conduct was found in the course of the trial. This included restrictive OEM contracts and restrictive and exclusionary dealings with internet access providers and software developers. Microsoft also engaged in a campaign to mislead, confuse, and threaten software developers in an attempt to constrain Java, and illegally tied their Internet Explorer (IE) browser software to the Windows Operating System. The Proposed Final Judgment attempts to address the restrictive OEM contracts by constraining the terms Microsoft can use in OEM contracts. However, it only addresses a segment of the OEM market, that being the 20 largest OEMs. Smaller OEMs, including local and regional OEMs, are not covered by the terms of the agreement and remain subject to prejudicial pricing and uncertain access to Microsoft's operating systems. This is thus at best a partial remedy, and leaves a significant portion of the OEM market vulnerable to strong arm tactics.

Attempts are also made by the Proposed Final Judgment to eliminate exclusionary contracts with OEMs, internet access providers and software developers. However, an exception states that Microsoft may enter into fixed percentage contracts if 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'' (III.G.1.) Given that zero cost competitors exist today (many Linux distributions come to mind), this clause renders the prohibition effectively void.

While some attempt is made by the Proposed Final Judgment to prevent Microsoft from threatening software developers, no effort is made to prevent a campaign of the sort used to confuse and mislead developers considering Java. To this day we continue to see publicity efforts to marginalize Java, and we are seeing another such campaign underway to spread fear, uncertainty, and doubt (FUD) about the viability of Linux (an alternative operating system). The Proposed Final Judgment does nothing to constrain this behavior. The limitations of the Proposed Final Judgment can be seen quite clearly when one considers the means used by Microsoft to marginalize Java on the desktop. As described in the Competitive Impact Statement filed with the court, Microsoft pressured third parties not to support cross-platform Java, used technological means to maximize the difficulty with which Java applications could be ported from Windows to other platforms, and used other anticompetitive measures to discourage developers from creating cross-platform Java applications. While some of the more explicit means used (payoffs to keep applications on a single platform) are prohibited, most of the means used to stifle Java could still be used under the Proposed Final Judgment. This is a clear failure to address the very methods which were used to uphold Microsoft's monopoly.

In order to eliminate Microsoft's illegal monopoly, the Proposed Final Judgment ensures OEMs of the ability to include alternate operating systems on personal computers without fear of retaliation.

However, this merely opens one distribution channel which had been illegally closed by exclusionary contracts. It does nothing to address other ways in which Microsoft's monopoly has been maintained.

Microsoft has also maintained its monopoly by maintaining a high Applications Barrier to Entry, as described in the Competitive Impact Statement. One way to reduce this barrier is to provide a middleware solution which allows developers to write to an intermediate layer rather than to the underlying operating system. This is the approach taken by Java, and several other computer languages have taken similar approaches (Perl, Tcl, Python, and Ruby are examples). Another alternative is to duplicate the entire Windows API (application programming interface), allowing programs written for Windows to run elsewhere.

The Proposed Final Judgment attempts to require non-discriminatory documentation of the Windows API, but it only covers that portion of the API used to communicate with middleware by Microsoft applications. There is no requirement to provide non-discriminatory documentation for portions of the API which are used by non-Microsoft middleware, but not by Microsoft middleware. Further, no requirement is made that the complete API be documented, which means that Microsoft is under no obligation to aid an attempt to duplicate the API in its entirety. Furthermore, section III.J. explicitly permits Microsoft to exclude portions of the API which relate to systems concerned with authentication, encryption, digital rights management, anti-piracy, anti-virus, and software licensing. These shortcomings effectively cripple any attempt to duplicate the Windows API, and also serve to constrain the effectiveness of non-Microsoft middleware systems. Consequently, the Applications Barrier to Entry will remain high.

The Proposed Final Judgment also attempts to force the non-discriminatory documentation of all native communication protocols used to communicate with the Windows operating system. Again, though, we find the security exception of section III.J. crippling the intent. By simply requiring the protocol to begin with an authentication exchange, the protocol can be barred from non-Microsoft use. An analogy would be the case of a locked room, where the contents of the room are described in full, but the key is not available. Microsoft has already begun moving in this direction with the Passport service in the NET initiative.

An additional barrier which exists for competing operating systems are the file formats used by Microsoft applications. If these formats were publicly available, then non-Microsoft applications could attempt to provide the application functionality on alternate operating systems, thereby increasing the attractiveness of alternate operating systems. Without a public file format, however, users remain locked into their existing applications, and the applications must move to alternate operating systems. Given that Microsoft is the single largest application software vendor in the world, we can expect no movement in this field. This is not addressed at all by the Proposed Final Judgment.

Finally, nothing in the Proposed Final Judgment would prevent Microsoft from making use of forward incompatibilities to frustrate middleware competitors. This tactic was used against DR-DOS when Microsoft moved from Windows 3.0 to Windows 3.1. At that time, Windows itself was middleware of a sort, sitting on top of the MS-DOS operating system. DR-DOS was a work-alike operating system which implemented all the functionality of MS-DOS, and which also would allow Windows 3.0 to run on top of it. When Windows 3.1 was released, it continued to run on MS-DOS, but when run on DR-DOS it mysteriously failed. Whether Windows 3.1 actually checked for the existence of DR-DOS, or merely made use of undocumented APIs within MS-DOS, the effect was the same. With the exploding popularity of Windows, DR-DOS shortly exited the marketplace. This same technique could be used to ''break'' popular middleware going forward from one version of Windows to another.

The fruits of Microsoft's illegal conduct have been continued dominance of the personal operating system market, as well as new dominance in the web browser market and marginalization of Java as a viable middleware solution. At the very least a denial of these benefits should promote non-Microsoft browser and middleware solutions and constrain further attempts by Microsoft to grow in these new markets. However, the Proposed Final Judgment does no more than make alternate browsers and middleware possible (and significant flaws exist in that attempt, as described above). The inertia of the marketplace will likely leave IE as the dominant browser for the forseeable future, as the cost to merely compete with it would be prohibitive for all but the largest software companies, many of whom are fighting defensive battles elsewhere.

The Proposed Final Judgment also makes no attempt to restore Java as a middleware alternative, nor does it promote any other non-Microsoft middleware systems. Nor is Microsoft itself constrained from further middleware development. The C# language and common language runtime (CLR) specified in Microsoft's .NET initiative match many of the middleware features of Java. It is expected that Microsoft will use this to attempt to further marginalize Java as a middleware solution. Yet no mention of .NET is made in the Proposed Final Judgment, even in its definition of Microsoft middleware.

Several provisions are made within the Proposed Final Judgment to prevent Microsoft from again abusing its monopoly position with regards to middleware. However, absolutely no provisions are made to prevent leveraging the monopoly to expand into other markets, such as server operating systems, handheld computers, and game consoles. Yet these are all markets that Microsoft is actively trying to expand into, and they are already using their monopoly in desktop operating systems to leverage the server market. Unless the proposed remedy delimits the extent that Microsoft's monopoly can and cannot be used when moving into new markets, we can expect to find another antitrust suit wending its way through the courts within a few years. The Proposed Final Judgment also delineates procedures for enforcement. Key to enforcement is the appointment of a technical committee of three individuals, one to be chosen by the plaintiffs, one to be chosen by the defendant, and one to be chosen by these two individuals after their selection. This seems contrary to common sense, however. It is unusual for an organization convicted of wrongdoing to be allowed an equal say in the choice of personnel to enforce compliance. While Microsoft should be allowed to object on reasonable grounds, it seems to me that the selection of the individuals charged with ensuring compliance should remain strictly with the Enforcement Authority, which under the Proposed Final Judgment would be the Plaintiffs.

Furthermore, the technical committee and their staff are strictly prohibited in their communications outside of Microsoft and the Plaintiffs. Thus, they shall disappear from public sight for the duration of their duties, and the only communications which they will make will come through the Plaintiffs or Microsoft. As a member of the public I can see no need for such a gag order to be placed upon the technical committee. Certainly they will have access to confidential documents and trade secrets, but this restriction of all public communication strikes me as excessive.

Moreover, whether or not Microsoft still has a monopoly, or is still abusing its monopoly, the Proposed Final Judgment will terminate in seven years. This even if Microsoft engages in a pattern of willful violation of the Proposed Final Judgment. A hard limit of this sort begs to be abused as the end of the term nears, and we may well find ourselves back in the courtroom once again. The Proposed Final Judgment manages to check Microsoft on some fronts, but does not get to the core of the problem. Some of the anticompetitive conduct exercised by Microsoft is prohibited, but some remains. Rather than removing the monopoly, it allows it to continue, and may in fact allow new barriers to be raised preventing erosion. Microsoft is not significantly penalized for their abuses in the past, and in fact are allowed to retain their dominant position in the web browser market. The means used to deflect Java are not addressed, and .NET is ignored as an important new middleware product. Microsoft is not prevented from leveraging their monopoly to extend into other markets, as they are currently doing in an attempt to dominate the server operating system market. In conclusion, the Proposed Final Judgment fails to meet the standards of an antitrust case remedies decree, and as a result fails to serve the public interest.

Michael Jochimsen

MTC–00027380

From: Tom Bryan
To: Microsoft ATR
Date: 1/27/02 11:42pm
Subject: Microsoft Settlement

I am disappointed with the provisions outlined in the ''Stipulation and Revised Proposed Final Judgment'' in United States v.

Microsoft Corp., Civil No. 98–1232. After reading Judge Jackson's findings of fact in this case, I had expected a much stricter remedy.

I am a professional software engineer and a computer hobbyist. I use 4 different operating systems almost every day, and only one of those is a Microsoft operating system. I program in several cross-platform (i.e., the same program runs unmodified on different operating systems) computer languages, including Java, Python, and Perl. Because Microsoft has a monopoly on PC operating systems, I must always consider how my programs will interoperate with Microsoft's operating system and the applications that Microsoft bundles with its operating system in an abuse of its operating system monopoly. I am extremely concerned by the stifling of good, innovative ideas by Microsoft's monopoly.

In its current form, the ''Stipulation and Revised Proposed Final Judgment'' does not appear to directly address Microsoft's business practices that lead to its conviction for abusing its monopoly power in the PC operating system market. Microsoft has been able to leverage its operating system to force its applications as ''de facto'' standards. The only ways to prevent Microsoft from continuing to abuse its monopoly in this way are to force it to produce complete documentation of its file formats and APIs or to forbid Microsoft from bundling any application with its operating system. The first option would permit competitors to create solutions that interoperate with Microsoft's products and operating system. Users could choose these competing products if they desired because they would still be able to exchange documents and connect their systems to systems running Microsoft's operating systems and applications. The second option would force Microsoft's application developers to compete directly with other application developers to sell products to run on Microsoft's operating system. The second option would be difficult to enforce without splitting Microsoft into multiple companies.

Although the proposed final judgment contains provisions requiring the release of documentation, non-commercial entities seem to be ignored in the list of parties who might request the documentation. Since several of the most viable competitors to Microsoft's operating system monopoly (e.g., GNU/Linux, GNU/HURD, and FreeBSD) are developed by individuals in a volunteer or non-commercial capacity, I fear that Microsoft will use the exclusions in the proposed final judgment to stifle competition from these developers.

Many businesses that do not directly use one of these operating systems still use software and middleware developed for one of these operating systems in their commercial products. For example, my company's software requires a product developed by volunteers called SAMBA to share files with Microsoft operating systems. If the SAMBA developers were unable to access appropriate API documentation from Microsoft, it would cripple of the functionality of my application.

I also program for a non-profit organization in my free time. I am concerned that this organization will not be able to access the documentation it needs from Microsoft in developing its software. Excluding non-commercial entities from accessing documentation of Microsoft file formats, communication protocols, etc. is an unacceptable restriction that would place non-profit organizations and volunteer programmers at an unfair disadvantage when attempting to interact with Microsoft's operating system. It would also stifle some of the products that are crucial in the current competition to Microsoft's operating system.

As a user of the GNU/Linux PC operating system, I would like the remedy to 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. Since Microsoft has a monopoly on PC operating systems, many hardware vendors only release their specifications to Microsoft. To further competition to this operating system monopoly, others need hardware specifications to develop competing solutions. Coupling Microsoft's hardware certification with a requirement to make the hardware specifications openly available would put pressure on hardware manufacturers to foster competition in the PC operating system market.

I find the current proposed final judgment in this case to be completely unacceptable. I feel that the Department of Justice is permitting a company that was convicted of abusing its monopoly in my industry to return to the same abusive business practices. I see no provision to prevent Microsoft from bundling applications with its operating system, which would seem to be the most logical remedy since it was originally charged with unfairly bundling a browser with its operating system. Although the remedy contains provisions to require the release of documentation by Microsoft, those provisions contain too many loop holes that permit Microsoft to exclude the competitors it fears the most, such as the developers of the GNU/Linux operating system and supporting software. I would like to see these deficiencies in the proposed remedy corrected.

Tom Bryan
Senior Software Engineer
Itron, Inc.

MTC–00027381

From: Dea Biberdorf
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Microsoft settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: opposition to Microsoft settlement

I would like to write to oppose the Microsoft settlement with the Department of Justice. I oppose this settlement because no part of this document requires Microsoft to publish their proprietary file formats. Without a complete knowledge of the format it impossible for competing products to even IMPORT files from Microsoft products properly. I cannot open a Word document in OpenOffice and expect it to work. There are simply too many details that Microsoft does not publish. The original findings of fact in this case note that these proprietary formats are part of the Applications Barrier to Entry. This settlement does not help in addressing this problem.

Sincerely,
Dea L. Biberdorf
2117 Larkspur Drive
Carrollton, Texas 75010
214.731.8496
dea@pobox.com

MTC–00027382

From: High Mobley
To: Microsoft ATR
Date: 1/27/02 11:42pm
Subject: Microsoft Settlement

Hello. My name is High Mobley, and I am a systems and network administrator in Athens, GA. I am writing to tell you that I find the currently proposed settlement in the Microsoft antitrust case to be insufficient. I believe that it does little or nothing to actually punish Microsoft for its illegal monopolistic abuses of which it has been found guilty. In my mind, Microsoft should not only be punished for its past monpolistic abuses, but should also be prevented from the same and similar abuses in the future.

The currently proposed settlement attempts to restrain Microsoft from committing future abuses of its monopoly power. However, it seems that there are simply too many loopholes that, based on its past actions, I feel certain Microsoft will be eager to take advantage of.

In order to encourage Microsoft to truly change its abusive behaviors, I think that there should be strong penalties levied against it for the abuses that brought about the current legal suit. Microsoft's offer to buy computers for underfunded schools is a bad idea because it would allow Microsoft to gain a stronger foothold in the minds of today's schoolkids, who will become tomorrow's business managers and IT directors. Why let Microsoft reward themselves? I do think that the company RedHat had a wonderful idea that Microsoft would give money for computer hardware only, while Redhat will donate operating system and application software, and provide free software upgrades in the future as well.

In order to ensure that Microsoft not repeat its past mistakes, I would like to see strong limits upon its ability to sell and market its products in ways that allow it to exert control over other businesses in the marketplace. Certainly requiring open API documentation is an ideal method to accomplish this, except that it could be rather difficult to enforce. This is a difficult situation to create easily enforceable remedies for! Perhaps splitting the company into three separate and wholly independent companies is not such a bad idea after all. Each company would be an exact replica of the current Microsoft, with Windows, Office, etc. in their stables. Then let competition take over from there.

You have a very tough row to hoe! My best wishes to you all in the DOJ who are working on this case. Keep up the good fight and

know that the American public appreciates your every effort to bring about remedies which benefit the general marketplace.

High Mobley
Network Specialist
Advantage BHS
Athens, GA

MTC–00027383

From: David W
To: Microsoft ATR,president@whitehouse.gov@inetgw
Date: 1/27/02 11:43pm
Subject: microsoft anti-trust case
CC: cyrusm@harker.org@inetgw

Dear Mr President and U.S. Department of Justice,

I would like to express my opinion concerning the Microsoft anti-trust case. Microsoft's use of its operating systems to gain customers for its web browser, Internet Explorer, instead of Netscape, violates the anti-trust act. When a buyer purchases a non-Macintosh computer, a Windows operating system is included. Bundled with this operating system is Windows web browser Internet Explorer. Because Windows is the main operating system used in America, and Internet Explorer is included with it, Netscape is not given a very large available market. Microsoft should not be allowed to use its almost complete monopoly of the operating system market to gain a monopoly of the web browsing market. Although Microsoft has been sued by many state justice departments, this issue has not been resolved.

Microsoft's payoff of the state justice departments was not a fair punishment for their actions.

The small amount of money Microsoft agreed to pay was nothing compared to their large profits.

Their agreement to follow antitrust regulations without state interference is ineffective because there is no way to monitor whether or not they are following through with their agreement. Examples of monopolies and trusts that were created illegally can also be seen in history.

One example of a trust that was illegal was John D. Rockefeller's Standard Oil Company. Rockefeller used his company's resources to buy out his competition. As he reported to a congressional committee investigating trusts, or industrial combinations, he felt that industrial combinations were a good thing. One main difference between Rockefeller and Bill Gates is that Rockefeller realized that industrial combinations could have a large amount of power which could be abused. He also realized that there would need to be some amount of ''state supervision, not of a character to hamper industries.''

AOL Time Warner's suit against Microsoft for Netscape's loss of income should be allowed to continue in that Microsoft abused its power by closing the web browser market. The state settlements that Microsoft made should be reconsidered, and the government should continue its investigation into Microsoft's operation system monopoly.

Sincerely,
David Woolsey
8th Grade Student at The Harker School,
San Jose, California

MTC–00027384

From: drusch@o1g.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:44pm
Subject: Microsoft Settlement

I wanted to second this letter which was sent previously. I also am in the high tech industry and see how Microsoft out maneuvers the legal processes to dominate the market in any way possible. Any resolution which provides more exposure for Microsoft products is meaningless. A user spends significant amounts of effort becoming familiar with their operating system of choice and the potential expense of changing systems has never been adequately appreciated.

In addition to this, rather than repeat anothers eloquent statements I will just voice my approval and copy Kasten's email below.

Thank you for your time,
Douglas Rusch
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM: Scott Kasten
2120 Manor Dr. Apt 116
Lexington, KY 40502

To the Honorable Court:

As a citizen of the United States and 15 year veteran of the high-tech industry it is both my right, and duty to file comments with the court in the case of U.S. vs Microsoft anti-trust action as described under the provisions of the Tunney Act. I have chosen to write the court because activities of the Microsoft Monopoly have so seriously harmed my industry, that not only have they harmed the end consumer, but they have seriously impaired my ability to work in this industry.

I will begin with a brief summary of my main points before expounding upon them in greater detail with specific facts. Basically, the proposed settlement is unacceptable when viewed in the interest of the public and industry for the following reasons:

[1] The settlement was not written with a proper perspective of the industry as a whole in mind.

[2] The way the settlement is written, it only provides remedy in regards to the current Microsoft platform. Microsoft is already putting their exit strategy to a new platform in place which will have the effect of making the settlement obsolete before it even goes into effect.

[3] There are language inaccuracies that leave the efficacy of the settlement in doubt.

[4] The settlement has very few provisions to remedy Microsoft's most publicly damaging weapon which is their End User License Agreement (hereafter known as the EULA).

Now I will explore each item in greater depth so the court can better understand what actions need to be taken to fix the proposed remedy.

[1] I will start with a brief industry perspective since that forms the root of objections 2 through 4. In the industry, it has been recognized that operating systems in general have moved from the status of a high-end, high-value product offering to a mere commodity in the same fashion as the use of electricity or telephones did in the early part of the 20th century, or even the computer hardware itself in the latter part of the 20th century. There has not been anything truly new or totally innovative in operating system technology in about the last 15 years or so. Indeed, modern operating systems are based on ideas spawned in universities over 30 years ago, most of which was perfected at least 20 years ago.

Most operating system vendors in the industry have already recognized this and adapted their business models to account for that. Although one would think of IBM, Sun Microsystems, HP, and Silicon Graphics Inc. (now known simply as SGI), as operating system vendors, that view would be somewhat incorrect. Their business models evolved to become hardware and consulting/service vendors that sell packages. Each workstation purchased from SGI comes with an entitlement to run certain releases of SGI's IRIX operating system based on its serial number; operating system upgrades are a rather miniscule portion of their revenue stream. They are even offering a Free operating system (Linux) on some of their offerings. Sun Microsystems gives their operating system away free of charge for personal or non-commercial use, and even makes the source code available without charge to developers that need to inspect it to improve their software offerings that run on Solaris. Both HP and IBM, most notably IBM as of late, have been making steps to move away from their proprietary operating system offerings to Open Source alternatives such as Linux and various flavors of BSD; both companies have moved to the sale of hardware or software applications and consulting services maintain the cash volume of their revenue streams. And of course, with the decline in market value of proprietary operating systems, we have seen the rise in interest and importance of Open Source, or Free operating systems such as Linux, and BSD to take the place of the proprietary ones.

Companies that have failed to recognize this have perished. Witness the dismantling of Digital Equipment Corporation by Compaq, a commodity equipment and services vendor, The acquisition of Santa Cruz Operation (SCO Unix) by Caldera, a company that is known as a Linux specialist. Novell nearly perished trying to maintain their business model around Netware, but finally appears to have turned things around when they refocused on applications and services the past couple of years.

The real focus in the computer industry is not on operating systems or platforms so much as it is in cross-platform applications, hardware support, and user interfacing. Basically, John Doe with a new digital camera wants to snap some pictures, retouch them on the computer, and make some nice glossy prints for the relatives. He doesn't even want to know anything about the operating system his computer runs, he wants the camera to function with his IBM PC running a PC operating system as well as it does with his friend's Macintosh running MacOS.

In the history of this industry, Microsoft is truly unique. They have maintained and

increased their market share and position not through real product innovation, but through predatory practices that resulted in them becoming a monopoly. The maintenance of that monopoly is what has allowed them to keep an artificial floor on the value of the operating system products they offer. Notice the use of the term value here instead of price. Price is what a consumer pays, value is a reflection of the consumer's need. Naturally, the need affects the price one is willing to pay, so there is an interrelationship at work that implies the consumer is paying too much, which I'll explore further in item 4.

[2] Although Microsoft has managed to keep an artificial floor on the value of their operating system products through monopolistic practices, even they realized that the inevitable pressures to marginalize the operating system would become too great for even them to bear. Thus they planned its obsolescence. The new target development platform of choice is going to be the .NET infrastructure. Ancient PC's had a BIOS containing the BASIC programming language/operating system that was permanently embedded in their ROM memory. As full fledged disk based operating systems came about, they marginalized the BIOS. None of the BIOS products these days has a built in programming language. It's only roll is to pull the disk based operating system in off disk now. It has no real apparent value to the end user of the system that rarely even notices the brief BIOS messages that flash by as the system boots up. No one programs to that interface anymore. Microsoft is trying to do the same thing to their own Windows operating system and replace it with .NET. Windows will become little more than a fancy video display driver. No one will program to it anymore. The .NET infrastructure will be the actual target for most future software development.

This is also where I begin to find specific faults in the settlement as written. In section III. Prohibited Conduct, please reference paragraph D. The terse form of which basically says, ''Microsoft must publish in full their programming APIs for the Windows operating system.'' The .NET framework is not specifically mentioned anywhere in the document, but presumably fits in under the definition of ''Middleware'' as described in sections VI.—J and VI. K. There is no section or language which indicates that they must fully disclose the middleware APIs. This is a fatal flaw as Microsoft has publicly acknowledged the corporate strategy shift from software publication on the Windows operating system to the .NET infrastructure running on top of it. Thus they can repeat the vendor lockout cycle again on a ''whole new'' platform, unhindered by the terms of this settlement.

Further, section III.–J, paragraphs 1 and 2 cause me grave concern, particularly in light of the .NET strategy. Section J in summary provides government granted exclusions. Paragraph 1 basically states that Microsoft may keep any programming APIs, methodologies, and information about network protocol layers that relate to anti-virus protection, authentication, or encryption secret. Paragraph 2 allows Microsoft carte blanch to determine to whom they wish to share that information for purposes of interfacing. This goes against what is generally accepted as ''best practices'' in the industry.

It is accepted practice that network protocols and interfacing standards are proposed and peer reviewed in standards committees such as the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C) to provide for better design, functionality, robustness, and security. Items related to authentication, and encryption in particular need the critical attention of peer review due both to the complexity of such systems, and the importance of the data protected by such systems. It is also accepted practice that the architecture is open so that anyone may produce their own implementation of the standard so that products from different vendors can interoperate freely. After all, that is the end goal, to connect one user with another.

Microsoft has in the past proven their incompetence in the implementation of cryptographic systems and security in general. Witness the introduction of L0pht Crack (pronounced ''loft'') which could pull encrypted passwords from the Windows NT registry thanks to its flawed cryptographic implementation. The numerous viruses such as Sircam, Love Letter, Nimbda, etc. that have exploited weaknesses in Microsoft's security interfaces. My point here is not to bring new evidence to the court, but more to make the point that sensitive systems related to security, authentication, and encryption need to be designed under the intelligence of multiple parties. Hence the peer review and refereeing process that is so widely used in the industry. It also helps prevent one party from subverting the standards for their own ends.

Micrsoft intends for the .NET platform to help provide a new infrastructure for information storage, security, and identification/authentication, that will help drive a future Internet based economy. With the help of standards committees, implementations from multiple vendors, and so forth, this could be a good thing for society. However, it is far from the public's best interest for one company to own the whole thing. If there's only one implementation, then any security flaws discovered, and experience shows there will be many, can bring down everything. Furthermore, independent companies need to have access to interfacing standards for something as important as this to provide consumers choice in the products and services space connected with this platform.

[3] I have already voiced some concern over where .NET fits into the settlement agreement. However, there are other specific inaccuracies in language and specificity that could render the agreement unenforceable.

In this matter, I would like to refer the court to a very thorough analysis compiled by one Dan Kegel and other parties available on the web here: http://www.kegel.com/remedy/remedy2.html Mr. Kegel has also submitted, or is in the process of submitting, this document to the court for inspection as part of an open letter with many co-signers as his contribution under the Tunney Act. I will not waste the court's time re-iterating what he has already so carefully documented except to state that I AGREE IN FULL with the assessment provided in that document.

[4] Towards the end, of the document, Mr. Kegel begins to address some issues regarding the EULA agreements that Microsoft imposes on their product users. The settlement makes no requirements for change to potentially predatory practices in Microsoft's EULAs. Unfortunately, that is one of Miscrosoft's tools for manipulating and harming the consumer, and other parts of the industry.

Mr. Kegel points out that the Windows Media Encoder EULA prohibits distribution of certain redistributable components when accompanied with application components that were licensed under a Free or Open Source license. And that the Microsoft Platform SDK and Visual C++ development environment have in their EULA a clause that can make it illegal for you to distribute and run your own created application on a Windows compatible platform such as a Windows emulator on a Sun, SGI, or Macintosh computer, or a PC running Wine, IBM 0S/2, or Trumpet Petros, all of which are Windows alternatives. He also points out that some Microsoft utilities such as NewsAlert state in the EULA that they are forbidden to be run on non-Microsoft operating systems.

To those examples, I wish to add a few more.

Microsoft uses the EULA to tie their Windows operating system to the PC on which it was purchased. This means that when a user trashes a PC, he cannot use the same copy of Windows on the new PC, but must instead purchase a new and redundant copy of Windows to be fully in compliance with the licensing agreement. As PC technology dates quickly, users who must update frequently are legally bound to purchase redundant copies of an operating system that they already have, thus helping Microsoft to maintain its revenue stream on what should have already been a commodity item. In the present, Microsoft with the advent of Windows XP has already implemented software EULA enforcement that prevents users from upgrading too many components of their system before they have to go back to Microsoft and re-license the same operating system install on the same PC.

Indeed, Microsoft used to offer a refund for unwanted copies of their Windows software product with this language in the EULA, ''If you do not agree to the terms of this EULA, PC manufacturer and Microsoft are unwilling to license the software product to you. In such an event ... you should promptly contact PC manufacturer for instructions on a return of the unused product(s) for a refund. ''However, after an unsuccessful campaign on by many users to claim such refunds on an organized ''Windows Refund Day'' on Feb 15th, 1999, people discovered that Microsoft and its vendors had no intentions of honoring that clause and had no effective refund channel in place., and it appears to have since been removed from the licensing agreement.

Microsoft attempts to limit the constitutionally provided right to free speech

in the EULA contained with the Microsoft FrontPage 2002 product for web publishing. It sates, ''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.'' So if I publish an article on the web using MS FrontPage such as a product performance benchmark that Microsoft finds unfavorable, have I indeed violated the EULA? Whether or not these agreements are actually enforceable if a matter of legal opinion that I am not qualified to evaluate. However, what is clear is that Microsoft has cleverly left itself some channels through which it can attempt to tie individuals or businesses up in court when it finds their actions displeasurable. The potential legal costs alone have a chilling an dampening effect in the industry.

In closing, I beg the court to find the proposed settlement as lacking in enforceability and effective remedy. This settlement needs to be rejected and reworked keeping the points that I have outlined above in mind.

Thank you for your time and consideration in this matter.

Sincerely,

Jonathan Scott Kasten

This message was sent using Us.Net Webmail.

MTC–00027385

From: Keith Schmidt
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Microsoft Settlement

To whom it may concern:

In accordance with provisions in the Tunney Act, I am writing this to comment on the proposed settlement in the anti-trust case U.S. v Microsoft.

I am a software developer both professionally, and as a hobbyist. I have written software for Microsoft operating systems (DOS and Windows 95/NT) as well as for several variants of Unix.

I believe that the proposed settlement is very seriously flawed and should be abandoned. Firstly, the proposed settlement does not adequately punish Microsoft for the detrimental effect on consumers caused by their abuse of their operating system monopoly. Secondly, the behavioral remedies proposed are insufficient, and in several cases, unworkable.

The Court should note that this is not the first time Microsoft has used its monopoly on the Windows operating system to drive a direct competitor (with a then-superior product) out of business using illicit, if not illegal, means (see Caldera v Microsoft regarding Digital Research's DR-DOS). Microsoft has also been documented to provide extra functionality in some operating system API's which are disclosed to Microsoft application developers, but not to third party application developers (see Microsoft v Intuit regarding undocumented system calls). Furthermore, this case is not the first time Microsoft's anticompetitive marketing practices have been brought before the Court (see the first U.S. v Microsoft case and the resultant Consent Decree). Moreover, as their violation of that same Consent Decree brought about this current case which resulted in the judgment against Microsoft, I believe that forgoing punitive damages and relying on Microsoft to police its own behavior is unconscionable. I do not have the time to illustrate all of the flaws which I find in the proposed settlement, I will choose a few representative ones. Firstly, I will address the broad exemption given to Microsoft to avoid disclosure of all API's and protocols as they relate to security. If the Court has not been made aware, during the course of this comment period, it was disclosed that the integration of the Internet Explorer browser with the Windows operating system carried with it a massive security flaw. This flaw allowed a malicious person free reign to take over any Internet-connected machine so configured.

As such, it could easily be argued that all API's relating to Internet Explorer and its integration with Windows should be exempt from disclosure due to security concerns. If this is the case, the settlement will fail to address the core of the case which culminated in Microsoft having been judged an illegal monopolist.

Secondly, as per the proposed settlement, Microsoft may elect not to divulge its API's and protocols to any organization which is deemed to not have a viable business plan. This exemption may be used to exclude several key classes of application developers. Primarily, this will affect Open Source and Free Software projects, many of which are based on the efforts of hobbyists and are not backed by companies with business plans (viable or otherwise). As Microsoft faces much of its current competition form such projects, it would be unconscionable to stifle these under the guise of punishing Microsoft. Secondarily, entrepreneurs will be dissuaded from competing against Microsoft. For example, Microsoft could determine that any company seeking to write a better version of, say, Internet Explorer does not have a viable business plan. More importantly, such a company would have to announce its intent to compete (via its business plan) before being allowed to examine Microsoft's API's. This alone would give Microsoft a competitive advantage unknown to any other company in any industry in the world.

Lastly, I wish to address the implementation of the three-person technology committee proposed to oversee Microsoft's compliance with the proposed settlement. The only parallel I can devise for the utter absurdity of having two of the three members chosen or approved by Microsoft is the Colombians allowing Escobar to build and staff his own prison. Even ignoring the fact that they will be provided benefits by Microsoft (such as office space) while serving on the committee, the amount of oversight required to ensure compliance is far greater than three people can reasonably be expected to accomplish. For example, if they chose to audit Windows XP to ensure that it contains no code designed solely to degrade the performance of other vendors'' applications, It would take them the rest of their natural lives merely to read through the hundreds of millions of lines of source code involved, let alone to analyze its effects.

In conclusion, I hope that I have successfully explained why I feel that this proposed settlement is deficient, and that the ideas within this comment will be considered when the proposed final judgment is revisited. I believe that a structural remedy would be preferable as it would require less continuing oversight. Barring that, I would like to see at a minimum enforced public disclosure of all API's, protocols and file formats, because, without the help of large numbers of software developers who are not affiliated with Microsoft, effective oversight will be impossible. Microsoft claims that these are their exclusive intellectual property. Be that as it may, they are also the core of the monopoly, and the strength behind the documented abusive practices.

Sincerely,

Keith Schmidt

MTC–00027386

From: Rhinodrivr@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:44pm
Subject: Microsoft Settlement

It is truly amazing that a company that has done so much for the productivity of a nation should find it the subject of a lawsuit. If the consumer does not want to buy it, they vote with their feet. The only monopoly I know of that has ever existed was accomplished through government legislation and collusion. The market has never permitted one.

If everyone is so upset with Microsoft, let them use OS/2, Unix or any of the other operating software on the market.

This is just plain wrong. The right would be for the judge to say the people have spoken in the market place. No further comment or abjudication is necessary.

Sincerely,

Captain Russell Cowles

A300 Captain at, but not speaking for, American Airlines

MTC–00027387

From: Jeffrey E. Harris
To: Microsoft ATR
Date: 1/27/02 11:39pm
Subject: Comments on the Proposed Microsoft Settlement
CC: Randy Steer,Allan Villabroza

My name is Jeffrey Harris. I currently work as a network administrator and software developer for a company that provides computer services to both government and industry. The company I work for has established a number of partnerships, the most significant ones being a Microsoft (MS) Solutions Partner and a Lotus/IBM Business Partner. I hold Microsoft Certified System Engineer and Microsoft Certified Systems Administrator certifications on the Windows 2000 Operating System, and the Windows NT operating systems, and I have worked with all versions of Microsoft Windows (both server and desktop versions where applicable) from Windows Version 2 to Windows XP in both a professional and personal capacity. I also hold certifications from Lotus Development on their Groupware Applications (Lotus Notes/Domino). I believe that my qualifications, as well as over 10

years experience working with computers and computer networks, including MS and non-MS products, make me well qualified to comment on the proposed MS settlement. Please note that I speak as both a computer professional, and as a consumer.

Also note that nothing in this message reflects the opinions or position of the company I work for, and I am acting ONLY in my own personal capacity in submitting these comments.

I ask that my comments be entered into the Federal Record, and considered by the presiding judge in determining the Court's final decision. I also ask that the Department of Justice acknowledge receipt of my comments.

My comments are based on a review of the original government complaint, the proposed settlement, and the Justice Department's Competitive Impact Statement (CIS), as published on the US Department of Justice's (USDOJ) website, and the Appeals Court's ruling as published on the Appeal Court's website.

Executive Summary: I STRONGLY oppose the MS Settlement in its current form. In my opinion, the agreed-to settlement will do little, if anything, to restrict MS'' abusive and illegal monopolist practices, and will mainly serve to prevent the government from documenting and presenting any future abuses for legal sanctions. I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which MS has been found culpable, and how it will meet the required standard of remedying anti-competitive practices that have harmed consumers. The company has been found in violation of Federal Anti-Trust Law, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances MS'' operating system monopoly in a number of ways, as I discuss below. I recommend that the Court either reject the proposed settlement outright, or modify the settlement to close the numerous loopholes identified below. I have provided some additional remedies for the Court's consideration, which are not part of the proposed settlement, but which, in my opinion, will further the public interest, if adopted by the Court.

Background: The United States and several of the states filed suit against MS claiming violation of various provisions of the Sherman Anti-Trust Act. After a trial, and appeal, a ruling was made and upheld that MS monopolized the PC Operating Systems market in violation of Section 2 of the Sherman Act. The US Court of Appeals remanded the case back to District Court, for, among other things, a new determination of penalties for this violation. The Court asked the plaintiffs and MS to attempt to reach a settlement acceptable to both sides that would address the practices that MS was found guilty of.

An agreement (which was subsequently revised) was reached by both parties, and the revised agreement presented to the Court for approval. The US Department of Justice, in accordance with Federal Law, has solicited public comment on the proposed settlement.

Comments on the proposed agreement:

General Comments: This agreement focuses too much on middleware and middleware products (as defined in the proposed agreement); for my discussion in this section, I refer to them both as simply ''Middleware''. The original complaint against MS does not mention Middleware at all (I did a word search for ''Middleware''). However, the provisions of the settlement, with few exceptions, focus on Middleware. The USDOJ in the CIS (page 2) states that the Appeals Court upheld the conclusion that MS acted to protect its operating system monopoly from the threat of Middleware. Yet, the Appeals Court's decision only mentions Middleware 39 times in a 43304 word opinion, and while the decision did address MS'' objections to the District Court's decision, some of which were based on the exclusion of Middleware as a mitigating factor in MS'' favor, the Appeals Court decision looks beyond that. Both the original Trial Court, and the Court of Appeals noted in their rulings that Middleware, in and of itself, does not provide enough incentive for users that it would end MS'' illegal monopolistic practices. Therefore, in my opinion, the proposed agreement wrongly focuses on remedying MS'' illegal actions by trying to promote competition in Middleware.

Furthermore, the ultimate goal of any settlement from this anti-trust action should be the promotion of competition that allows users a choice in the selection of operating systems. USDOJ (on page 25 of the CIS) reminds us that ''Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anti-competitive consequences.'' The Appeals Court Decision stated ''From a century of case law on monopolization under (2) however, several principles do emerge. First, to be condemned as exclusionary, a monopolist's act must have an ''anti-competitive effect.'' That is, it must harm the competitive process and thereby harm consumers. In contrast, harm to one or more competitors will not suffice. ''The [Sherman Act] directs itself not against conduct which is competitive, even severely so, but against conduct which unfairly tends to destroy competition itself.'' Spectrum Sports, Inc. v. McQuillan, 506 U.S. 447, 458 (1993); see also Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209, 225 (1993) ('Even an act of pure malice by one business competitor against another does not, without more, state a claim under the federal antitrust laws .... '').''

I do not really see where the proposed agreement meets any of the criteria the USDOJ lists, nor is there any substantiation by USDOJ in the CIS of how the proposed agreement will definitively benefit consumers. From my reading of the document, the proposed agreement does not directly provide any benefits to the consumer; the benefits accrue to OEMs, ISVs, IAPs, and ICPs, with the expectation that the benefits may flow through to consumers. For example, allowing OEMs to provide dual operating systems on PCs for consumers does consumers no good if the OEMs choose not to provide a choice of operating systems, and similarly for middleware. For this reason alone, the Court should reject the proposed agreement as being inadequate.

Specific comments:

Paragraph III A. purports to restrict any retaliatory behavior against any OEM (i.e., computer manufacturer) for exercising its rights under the proposed agreement, or for various activities related to non-Microsoft software. However, nothing in this paragraph discusses the right of an OEM to ship a computer system without an operating system at all. Although most new computer systems have a version of a Windows operating system installed, it is virtually impossible to buy a PC from any major OEM without a MS operating system, let alone a non-MS operating system, and the price of that operating system is passed along as part of the cost of the system, whether the consumer wants it or not.

USDOJ (on page 27 of the CIS) states that MS can only base consideration on the absolute level or amount of the OEMs support for the MS product or service, rather than on any relative level or amount. What does ''absolute'' mean, and how can this be enforced?

Also, the USDOJ discusses (on page 28 of the CIS) that OEMs are protected against sudden loss of Windows licenses. However, MS can still cancel licenses AFTER the 30 day opportunity to cure, which could still result in continued anti-competitive behavior by MS.

This provision also does not prohibit MS from retaliating against an OEM that makes a good-faith complaint against MS alleging a violation of the proposed agreement, which is either not brought forward to the Court for action, or is ruled as not being a violation of the settlement. In essence, an OEM would have to consider whether or not the harm it believes it may be suffering from MS as a result of a purported violation of the proposed agreement is worth additional penalties it may suffer from MS if the Court does not agree with the purposed violation (or no action is taken by the Plaintiffs), and does not redress them.

Paragraph III B addresses the requirement for MS to license its software using uniform royalties, and to make available to the covered OEMs and Plaintiffs information on the royalty schedule. The proposed agreement does not provide for public access to this information.

Paragraphs III B2 and B3 allows MS to specify ''reasonable'' volume discounts based upon the volume of licenses. What is considered ''reasonable''? Who will decide if MS is specifying ''reasonable'' discounts? The lack of definition of ''reasonable'' is one reason to make the royalty schedule public, so that if the public believes that MS is not being reasonable, it can ask its government representatives in the USDOJ and the various states to take action.

Furthermore, when discounts are based on volume of licenses, it provides incentive for MS to continue to push for the installation of a MS product on EVERY system that an OEM ships, since the more that are installed, the bigger the discount for'' the OEM. This flatly contradicts the purpose of the proposed agreement to curb MS'' monopolistic practices.

USDOJ (on page 29 of the CIS) defends this provision, noting that it is based on

''verifiable criteria'', which is ''uniformly applied''. Yet, this ''verifiable criteria'' could still be biased in favor of MS—for example, a requirement that a browser provide an integrated Windows logon capability. Most browsers, including Internet Explorer, provide a capability to allow users to access remote servers that restrict access based on user accounts.

Internet Explorer also has a capability to ''pass through'' a user's credentials in a way that no other mass-market browser has (unlike other browsers, there is no need for a user to enter a username and password). Therefore, MS could include this as a ''verifiable criteria'', which would be heavily biased in favor of Internet Explorer.

Also the USDOJ (on the same page of the CIS) defends the selection of the 20 largest OEM for protection. However, no data is provided for what percentage of all Windows licenses those 20 largest distribute compared to the total universe of OEMs, and compared to all Windows licenses distributed from all sources. Furthermore, there is no protections for end users who buy retail copies of MS products, instead of obtaining them through the purchase of OEM systems. Since consumers MUST be the ultimate beneficiaries of any anti-trust action, there needs to be relief for these purchasers as well.

Paragraph III C4 prohibits MS from restricting ''dual booting'', but again, if the OEM chooses not to provide this option, or chooses not to provide an option to purchase a pre-installed non-MS operating system, nothing will change for consumers. Therefore, focusing this relief on OEMs is misplaced.

Clarification for Paragraph III C5: Does ''initial boot sequence'' refer to setup of the program, or the initialization of the operating system after the operating system is installed and the user starts, or restarts, the computer? Please add this term to the list of definitions in the proposed agreement.

Paragraph III D requires two different release dates for operating system documentation and APIs; one is tied to the earlier of the release of Windows XP Service Pack (SP) 1, or 12 months; the other is tied to a ''Timely Manner'' as defined in the proposed agreement, and purportedly applies to operating systems released after Windows XP. Note that Windows XP is the client side operating system for the latest release of a MS Windows Operating System. The corresponding server version is now called ''.net server'', and is still in Beta test. Therefore, if MS releases the last beta of .net server prior to the release point based on Windows XP SP1 or 12 months, which requirement applies?

Also, what is considered ''a new version''? For example, MS released Windows 98 Second Edition (SE) as a ''new'' version of the Windows 98 operating system, yet many people (myself included) feel that Windows 98 Second Edition was really just an upgrade or SP release to Windows 98, and yet MS implicitly recognized that by providing a special ''step up'' installation version of Windows 98 SE that could only be used by owners of the original Windows 98 version.

Paragraph III E requires disclosure of communications protocols. However, MS could sidestep the requirement in this provision by not including the protocol in the operating system distribution itself, but instead require an add-on product to provide the capability; the add-on would be distributed either by automatic download to clients, or other means of distribution to client systems other than including it in the operating system distribution. For example, Windows 95, Windows 98, Windows ME, and Windows NT 4.0 machines require an ''add-in'' package (an ''Active Directory Services Client'') to interoperate in certain ways with Windows 2000 servers. This software is not included with those operating systems, but is available for download from MS, or from the appropriate Windows 2000 server installation CDs. The USDOJ (on page 39 of the CIS) explicitly acknowledges this limitation of the proposed agreement.

Paragraph III F discusses retaliation by MS against companies that exercise options under this proposed agreement. However, Paragraph III F1, similar to what was noted above for Paragraph III A, does not prohibit MS from retaliating against an ISV or IHV that makes a good-faith complaint against MS alleging a violation of the settlement, which is either not brought forward to the Court for action, or is ruled not a violation of the proposed agreement. In essence, an ISV or IHV would have to consider whether or not the harm it believes it may be suffering from MS as a result of a purported violation of this agreement is worth additional penalties it may suffer from MS if the Court does not agree with the purposed violation (or no action is taken by the Plaintiffs), and does not redress them.

Paragraph III F 2 grandfathers any current restrictions between ISVs or IHVs and MS under the proposed agreement, but goes on to allow MS to craft partnership agreements that would prohibit these companies, such as the one I work for, from entering into other partnership agreements with companies that compete with MS (i.e., Lotus/IBM since their e-mail system competes with MS'). This one provision could nullify the entire benefit the USDOJ is trying to achieve for the ISV/IHV community, and could actually serve to STRENGTHEN MS' anti-monopolistic practices.

Paragraph III G discusses MS agreements with independent companies such as ISVs and OEMs. MS could avoid the restrictions in this paragraph by establishing joint development efforts that bind the other party—in essence, by providing substantial consideration to induce companies to establish such efforts. In addition, MS could avoid the restrictions in this paragraph by licensing intellectual property (IP) for its exclusive use—thereby making such IP unavailable for non-MS products, either for direct incorporation into those products, or for indirectly use as middleware to achieve interoperability with Windows operating systems. Again, this provision could nullify the entire benefit the USDOJ is trying to achieve for the ISV/IHV etc., community, and could further serve to STRENGTHEN MS'' anti-monopolistic practices. For example, in the CIS, USDOJ discusses (bottom of Page 14) how MS coerced Apple to adopt Internet Explorer in exchange for continued development of MS Office for Apple systems. Such behavior would still be legal if it is part of a joint development effort or investment in Apple by MS.

MS could also establish fixed percentages for distribution of MS products. Using the example cited by USDOJ (on page 44 of the CIS), an IAP could agree to ship Windows Media Player on 70% of its software distribution if it can show it is commercially feasible for it to ship 70% of its software distribution with a non-MS media player. While it may be commercially feasible, that is not the same as being competitively advantageous for it to ship the non-MS media player, particularly if MS is paying it substantially more to ship Windows Media Player. Such action could ultimately result in the loss of competing products as a result of MS'' deep pockets and marketing muscle with IAPs.

I note that III G 2 prohibits MS from offering IAPs placement on the desktop in exchange for IAPs agreeing to refrain from using competing non-MS Middleware Products, yet nothing prohibits MS from offering a quid pro quo for an IAP—placement on the desktop (which need not be a formal part of any agreement) and a percent placement in the IAPs distribution packages (as discussed in my previous paragraph) in exchange for significant payments by MS. Paragraph III H discusses requirements for MS to allow removal of Middleware and Middleware products by end users. MS could avoid the requirements of III H 1 by separating Middleware Products (as defined in the proposed agreement) from the operating system as add-ons, and enabling automatic download to clients (or perhaps by requiring OEMs to install them separately from the basic operating system on their systems, but nevertheless pre-installing those components as well). Such ''Middleware Products'' (in quotes because software as discussed in this scenario does not meet the definition in the proposed agreement) may be required for full functionality of the operating system, yet, because they do not meet the formal definition of Middleware Products in the proposed agreement, would not require the uninstall capability.

Paragraph III H also could invoke a ''poison pill'' response by requiring the enablement of either all MS Middleware Products or all Non-MS Middleware products as a group; for example, a user may be forced to pick Windows Media Player and Internet Explorer over a non-MS browser and media player because he dislikes Internet Explorer, and would prefer a non-MS browser, but feels he needs to have Windows Media Player. While there is still an element of choice in this scenario, the available options are not necessarily desirable to users, and implicitly may favor MS, because users may stick to products they know, rather than ones they do not.

There are also a number of important additional exceptions to the applicability of Paragraph III H. First, MS can avoid the provisions of this paragraph by carefully crafting Middleware Products to require the type of functionally which excludes it from this provision.

Second, a significant number of systems with Windows operating systems do not

connect to a server outside the Internet, yet those systems can be bound by the restrictions that apply for systems that DO connect to servers. Since most systems that do not connect to servers outside the Internet are those purchased and used by consumers, this exclusion will have the biggest impact on them. Third, the provisions apply essentially to existing technology as of the previous operating system. Therefore, when MS releases a new operating system, it is not bound to the provisions of this paragraph for any new Middleware products until and unless it carries the product forward to the next succeeding Windows operating system, or it releases that Middleware less than seven months prior to the last beta test version of that new operating system.

Also, what is ''a server maintained by Microsoft''Is that an Internet accessible server operated by MS or a subsidiary to provide specialized services, such as Hotmail or Passport? Or is it a computer running a Windows server operating system? Please clarify. If it is the former, why should consumers be locked into accepting a Microsoft Middleware Product, particularly if they do not intend to ever use the MS servers?

Paragraph III I discusses requirements for MS to license its IP. However the restrictions of this paragraph, particularly Paragraph III I 3, may unduly restrict the development of non-Microsoft middleware or other rights contemplated by this agreement. For example, if Sun Microsystems wants to obtain MS IP for the purposes of making its Java Virtual Machine interoperate with Windows XP, MS could restrict the ability of Sun to distribute the Virtual Machine to other ISVs for the purposes of building software applications that run on that Virtual Machine, undermining the intent of this provision.

Furthermore, Paragraph III I 5 requires that any company that seeks to assert its rights under the proposed agreement may have to license its IP to MS. The USDOJ's discussion in the CIS not withstanding, I do not understand why a company would need to submit to MS ITS IP to assert its rights under the proposed agreement; this requirement could serve as a mechanism to restrict companies'' reliance on the proposed agreement, since companies may have to consider whether it is in their best interest to license their IP to MS, and they may decide that they should forgo protection under the proposed agreement, rather than share sensitive IP information with MS, which is NOT the intent behind the proposed agreement. Companies should not have to make such an onerous choice.

Paragraph III J discusses restrictions and rights MS has in licensing documentation and API information, and in my opinion, this paragraph provides the best means for MS to avoid compliance with many other provisions of the proposed agreement. First, in Paragraph III J 1, MS is permitted to not disclose API and other information related to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems. The USDOJ's description of this exclusion as ''narrow'', and comments in the CIS (page 53) notwithstanding, such exclusions serve to only undermine the intent of the proposed agreement, and limit the benefits to anyone outside MS. For example, MS is developing a new strategy (''Dot-NET'') that provides for distributed application and transaction processing across a network of servers, and is incorporating the capability for doing this in its soon-to-be-released .NET server software. Any distributed application processing MUST provide capabilities for securing transactions, and yet, under this exclusion, MS would not be required to release necessary APIs or documentation to allow non-MS Middleware and applications to compete equally with MS software. Similarly, MS would not have to release salient potions of APIs for Windows Media Player (which incorporates Digital Rights Management APIs) or APIs that non-MS anti-virus software manufacturers could use to improve the performance of their products (for example, obtaining information about how scripts that are run using MS'' native Javascript or Visual Basic scripting engines, since this could touch upon how MS incorporates anti-virus measures into the engines to protect against certain types of virus-infected scripts).

USDOJ also states this provision is necessary for MS to comply with ''lawful orders'' of federal agencies to not disclose certain information on security grounds. To my knowledge, no such ''lawful orders'' currently exist, and even if they do, or will so in the future, the wording of this paragraph could have been tailored to say exactly that no more and no less. As the wording stands, it goes well beyond being able to comply with such ''lawful orders'' Second, Paragraph III J 2 allows MS to place restrictions on licensing APIs, communications protocol and documentation relating to the functions discussed in my previous paragraph. An API, or a communications protocol, and their associated documentation generally provide the means for calling a function from the operating system (for example, accessing a file on a computer) without explaining all the details of how the underlying mechanism operates (for example, the file format of a ''token'' necessary to verify that the user is authorized to access that file).

In many cases, communication protocols themselves are publicly defined and available on the Internet for review, particularly those that relate to the Internet. Therefore, I do not understand how restrictions on the release of such information harm MS; however, I do see harm to consumers and independent software writers (i.e., individuals who author and market their own software, generally as ''freeware'' or ''shareware'' via the Internet) since the necessary information that software writers need to write software that competes with MS Middleware Products may be unavailable, and therefore their products will be unavailable for consumers to select in place of an equivalent MS product.

Paragraph IV A 3 restricts the ability of Plaintiffs to release information provided by MS except as it may relate to an enforcement action, and under certain other conditions. Such restrictions limit the availability of information that may be useful in private litigation against MS that relates to the proposed agreement, but which the states and the USDOJ, for whatever reason, do not use to bring enforcement actions against MS. In essence, short of an enforcement action, this provision makes it difficult for the public to know if MS has breached the proposed agreement, and more difficult for others to prove that they did so. Paragraph IV B 2 discusses requirements for individuals to serve on the Technical Committee (TC). The requirement for individuals to be ''experts in software design and programming'' unduly disqualifies a large class of individuals who are experts in administering computers, but who do not write software. TC members also need to know how to administer systems, since software design alone may not reveal obvious restrictions (i.e., a vulnerability due to a specific operating system configurations that falls outside the scope of the software design itself or Middleware Products that require a specific hardware configuration in operational systems that again is outside the software design itself).

Paragraph IV B 2 a specifies that a TC member shall not have been employed by a competitor, unless agreed to by both parties. How is a competitor defined? Since MS makes a large range of software and hardware products, and provides a range of services, including Internet access, does this mean that any employee in any company that makes software or hardware for systems that utilize MS software or hardware or provides services in markets that MS competes, such as Internet access, would be prohibited from serving on the TC without approval from both sides? I believe that the term should be defined explicitly and narrowly in the proposed agreement from its possibly broad usage (i.e., competitors are the 20 largest ISVs, and the 20 largest IHVs based on license revenue to MS, the 20 largest IAPs, and the 20 largest service providers for support on MS software and hardware, based on annual revenue).

Paragraphs IV B 9 and 10 place restrictions on members of the TC and their staff, including requirements to treat all information as confidential, and prohibitions on public statements. Such restrictions limit the ability of the public—who are supposed to be the ultimate beneficiaries of this agreement—from being informed on substantial or even individual issues with regard to MS'' compliance with this proposed agreement (the TC is allowed to keep complainants informed on the status of complaints made to the TC, but only to the extent it does not breach their restrictions in this paragraph). Again, should the Plaintiffs not make an enforcement action against MS as a result of TC action (an issue that I will discuss further in my next paragraph), purported violations of this agreement may never be made public.

Paragraph IV D 4 d prohibits any work product, finding, or recommendation by the TC from being admitted in an enforcement action against MS for violation of this proposed agreement. This provision, in my opinion, will fatally cripple the ability of the Plaintiffs to pursue an enforcement action. Even if this provision only applies to

voluntary dispute resolution activity (and it is not clear to me that such a limitation applies, even though it is in the section for voluntary dispute resolution), it is highly likely that prior to an enforcement action, the Plaintiffs would pursuit voluntary dispute resolution with MS, thus prohibiting, in this scenario, the admission of any TC work in a subsequent enforcement proceeding.

The Plaintiffs may also wait to see a pattern of behavior, and then act. Many individuals or small company make use of the dispute resolution process to seek redress against violations of this agreement by MS. If the Plaintiffs then decided to seek an enforcement action based on a compilation of those complaints, no further use of information that the TC produced could be used in the subsequent enforcement action.

I also believe that the restrictions of this paragraph may go well beyond the literal bar on enforcement actions. Although USDOJ, in the CIS (page 59), has stated that this restriction would not bar subsequent enforcement actions based on derivative use, nowhere in the proposed agreement is this explicitly stated. Therefore, MS may have a viable argument—based on precedent for limited immunity in criminal cases—that any evidence compiled by the Plaintiffs that relies on, or is derived from, TC materials may be inadmissible because it was only available as a result of, or knowledge of, TC work, and therefore is indirectly admitting TC work. Whether or not such a defense would succeed would not be known until, and unless, the Plaintiffs bring an enforcement action, and the courts rule on such a motion and any appeals. Therefore, I believe that this provision should be stricken from the proposed agreement to prevent any bars on future enforcement actions.

Section V discusses termination of the proposed agreement. While I offer no opinion as to whether or not five years is an appropriate and equitable period for the proposed agreement to last, I highly question the benefits of possibly extending the proposed agreement for another two years, should MS engage in a pattern of willful and systematic violations (a charge that may be difficult, if impossible, to prove, based on my previous comments). Why should the same prohibitions for another two years cause any change in MS'' behavior, if the previous five have not? I remind the Court that this is the THIRD enforcement action against MS in the last 10 years.

Definition J is for ''Middleware''. I see several problems with this definition. First, Middleware must be trademarked. Should MS want to evade the provisions of this proposed agreement, it merely has to not trademark any Middleware. While MS may lose some legal rights should it not trademark a given Middleware, it may still hold ''branding'' rights with regard to the Middleware (i.e., the name ''Topaz'' may not be trademarked for a future version of an e-mail client, but everyone associates Topaz as its relates to e-mail with MS), and it may be to MS'' advantage in any given case to NOT trademark a specific piece of Middleware.

Second, the definition requires that the Middleware in question must update the appropriate Middleware Product to the next major version number, as that term is defined in the paragraph. However, MS can avoid the invocation of this definition by changing the way it versions products. Instead of a release changing a Middle product to version 6.1 from 6.0, for example, the Middleware changes the version to 6.01 or 6.0, Service Pack 1. Both of these latter nomenclatures are ones that MS uses today. With such nomenclature, a ''Middleware'' release may NEVER trigger the definition, and the restrictions accorded such a release under the terms of the proposed agreement.

Third, the Middleware in question must contain user interface elements. Although USDOJ (on page 18) tries to defend this requirement, I believe it only serves to undermine their intent. User Interface can apply to either the Middleware Product itself, or the interface of the Middleware installer (the redistributable file which installs the Middleware for the user). If USDOJ is referring to the Middleware installer, then I concur with this part of the definition. If they are referring to the Middleware Product itself, then any Middleware that provides updates without changing the user interface is not covered. For example, MS releases service packs for software, which fix bugs in the operation of the software (for example, how a program utilities memory) but do not change the user interface. Therefore it this interpretation applies, then Middleware that does not include updates to the user interface would not meet the definition. At a minimum, I recommend the definition of ''user interface'' be clarified'', and also that this particular part of the definition of Middleware be revised, should ''user interface'' apply to the Middleware Product itself.

The forgoing discussion on Definition J concerning trademarking also holds for Definition K. However, note that Middleware Products must also be considered part of a ''Windows Operating System Product''. As that term is defined in the proposed agreement (see discussion of Definition U below), software that would otherwise be considered Middleware Products may not be if 1) it was NEVER distributed separately from the operating system or 2) MS defines the operating system product as not including that software. Definition N, and the requirement for distributing one million copies of a software product in the last year for the definition to apply, in my opinion, prevents smaller ISVs and individuals from receiving the protections contemplated by the proposed agreement. One of my primary concerns is that since individuals and companies cannot seek protection or redress under the proposed agreement unless their products meet the distribution requirement, MS can suppress competition from these products by the same methods it has in the past, and also prevent these products from reaching a critical distribution where they could become a direct threat to MS. For example, Opera is a web browser that competes with Internet Explorer. Unless Opera meets the distribution requirements, MS could prevent Opera developers from obtaining necessary information they require to provide the same capabilities—or better—that MS puts in Internet Explorer. Therefore, Opera could conceivably disappear from use, restricting consumer choice and competition. The USDOJ (on page 21 of the CIS) defends this provision, arguing that products that have not been demonstrated as being competitive and chat may be unknown to MS do not deserve protection under the proposed agreement. However, as I stated, this provides incentive to MS to crush any possible competition before it can grow''. to be significant (which can occur very quickly), and I strongly doubt that MS would be unaware of any software that is rapidly being adopted by consumers. A much lower threshold, such as 1000 copies or 20,000 copies, make more sense to me, and would better achieve the same intent without unduly burdening MS.

Definition U is for ''Windows Operating System Product''. MS, and MS alone, defines what constitutes a Windows Operating System Product. Therefore, as discussed above, MS has the ability to control what is considered Middleware and Middleware Products, and thus the overall scope of the proposed agreement, by how it defines a Windows Operating System Product. There must be a more restricted definition, for example, core services that required for an application to function or everything that is included on an installation CD (although as previously discussed, that particular definition is subject to manipulation as well), rather than MS being allowed to define the term to its best advantage.

Recommendations: I recommend that the Court reject the proposed agreement as written. The proposed agreement fails to meet the basic requirement, articulated by the Appeals Court, that any agreement provide benefits and promote competition for consumers. Nothing in this agreement directly benefits consumers, and all the of indirect benefits depend on the willingness of independent companies to innovate in a way that will benefit consumers. If the proposed agreement is approved by the Court, the only beneficiaries of the proposed agreement may be the 20 largest OEMs, various IAPs and ICPs, and some ISVs and IHVs, but even that is not certain, based on MS'' past practices, and the number of limitations in the proposed agreement as discussed above.

Furthermore, a number of provisions will inhibit enforcement of this proposed agreement, should MS violate it. Therefore, it is very conceivable that the proposed agreement may only serve as a toothless tiger—ignored by MS, and unenforceable by the Plaintiffs. If the Court wishes to use the proposed agreement as a framework for injunctive relief, I recommend any proposed agreement or injunction include the following changes:

1. MS should be prohibited from retaliating against any company that files a complaint alleging a violation of any proposed agreement or injunction, whether or not the complaint is pursued or upheld. However, MS would be allowed to seek restitution from a company that filed a complaint only if it could show bad faith or reckless disregard on the part of the company that filed the complaint.

2. MS would be allowed to cancel licenses for Windows software issued to any company

that would be protected under any proposed agreement or injunction, but only after demonstrating to either a majority of the Plaintiffs or the Court it had a legitimate business interest in doing so.

3. Provide public access to royalty and licensing information for companies that would be covered under any agreement or injunction. Specific company identification need not be disclosed. Define what is reasonable in terms of volume licensing.

4. Specify that verifiable criteria, as used in the proposed agreement, must be approved by a majority of the Plaintiffs or the Court as being non-discriminatory; that is, MS must not be permitted to use criteria that it knows gives it an unfair advantage over other vendor's products.

5. Expand the coverage to protect more than just the 20 largest OEMs, and provide benefits to end-users and businesses who purchase Windows Operating System Products at the retail level, or through distributors in bulk.

6. Define ''Initial Boot Sequence''.

7. Clarify that for operating systems releases prior to the twelve month window or Windows XP Service Pack 1, the requirement for releasing operating system documentation and APIs is the same, and that the last beta requirement only applies to operating systems released after that milestone.

8. Clarify what is considered a new version and what is considered a major version. Any definition should not allow manipulation by MS.

9. Eliminate the loopholes on disclosure of communication protocols by eliminating the requirements that they be included in an operating system distribution.

10. Allow MS to withhold information on APIs and other information related to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems ONLY when complying with a ''lawful order'' of a federal agency or any court.

11. Overturn current agreements between an ISV or IHV and MS that restrict the ability of independent companies to promote or develop software that competes with MS, unless MS can demonstrate to a majority of the Plaintiffs or the Court that any such agreement does not unduly stifle competition.

12. Prohibit MS from structuring joint development efforts with an ISV or OEM that prevent competition unless MS can demonstrate to a majority of the Plaintiffs or the Court that such restrictions serve a bona fide business purpose for a reasonable period of time.

13. Prohibit fixed percentage agreements with IAPs, regardless of the commercial feasibility of distributing rival products.

14. Close loopholes in the definition ou Middleware and Middleware Products as they relate to ''user interfaces'' (at a minimum define what is meant by ''user interface''), whether they are trademarked or not, whether they are part of the operating system product or not, and whether they are downloaded or included with operating system distributions.

15. Require MS to allow removal of Middleware and Middleware Products only on a product by product basis, not on an ''All MS'' or ''All Non-MS'' basis. and

16. Eliminate the exceptions that allow MS to invoke MS Middleware Products in the case of a server maintained by MS.

17. Eliminate the requirements that other companies must allow licensing of their IP to MS, or agree to restrictions on distribution of products that may be based on MS IP, unless MS can demonstrate to either a majority of the Plaintiffs or the Court a bona fide business purpose in imposing these requirements.

18. Eliminate restrictions on public release of information by the Plaintiffs which might otherwise only be released as it may relate to an enforcement action, and under certain other conditions. MS would be notified in advance and given an opportunity to appeal release of the information to the Court.

19. Include a requirement that at least one member of the TC must be an expert in software design and development, and at least one member an expert in computer system network operating system or network application administration.

20. Clarify the definition of ''competitor'' as it relates to TC employment.

21. Eliminate restrictions on public release of information or statements by the TC, similar to that for the Plaintiffs. The TC would still not be allowed to release information deemed confidential by MS without MS'' approval, the approval of a majority of the Plaintiffs, or the Court. In a situation where release of such information is contemplated, MS would be afforded adequate opportunity to appeal a decision of the Plaintiffs to the Court. Note that the reason for allowing the release of confidential information in this manner is to prevent MS from arbitrarily considering all information confidential, and therefore not releasable at all, while still affording MS some protection for legitimately confidential information.

22. Eliminate provisions that prohibit admission of any work product, finding, or recommendation by the TC in an enforcement action against MS for violation of any proposed agreement or injunction.

23. Provide for, in the event that MS engages in a pattern of willful and systematic violations, a more meaningful set of penalties. For example, MS may have to rebate to consumers, based upon proper proof of purchase, a flat amount for any operating system purchased over the period of the agreement, whether the purchase was made at retail or via purchase of an OEM system with the operating system pre-installed.

24. Reduce the distribution requirement in the definition of Non-MS Middleware Product to 1,000 or 20,000 copies.

25. Change the definition of ''Windows Operating System Product'', so MS cannot decide what constitutes a Windows Operating System Product.

I also recommend consideration of possible some alternative provisions, which were not part of the proposed agreement; however, some of these are being pushed by the states that demurred on the proposed agreement:

1. A requirement that MS bundle Non-MS Middleware Products with its operating system products. This would primarily benefit those consumers that purchase retail versions of MS operating systems, and those who buy systems from OEMs who choose not to integrate non-MS Middleware Products. MS would be allowed to charge a reasonable fee to ISVs whose products they incorporate to defray the costs of integrating such Middleware products into its operating system distribution packages.

2. A requirement that MS structure volume licenses with OEMs in such a way that OEMs must allow end-users to elect not to purchase a Windows operating system with their PCs at all.

3. A requirement that MS provide a ''secure facility'' for inspection of code. This facility could be used to keep producers of non-Microsoft middleware up to date on integration and interoperability issues with MS operating systems.

4. A requirement that MS make Internet Explorer ''open sourced''—that is, MS would be required to disclose and license all source code for all Browser products and Browser functionality.

5. A requirement that MS distribute with all of its operating systems a version of the Java Virtual Machine (or runtime environment) that conforms to Sun Microsystems'' Java specification. MS distributed a non-compatible version with previous operating systems, and stopped distributing it with Windows XP, although it does have the same non-compatible Java Virtual Machine available for download. The reason that MS cited for not including it in Windows XP is that it was prohibited by Sun from doing so (which is true), although Sun has long expressed willingness to allow MS to distribute a Java Virtual Machine as long as it conforms to the Java standard. Since MS has refused to do so, MS is technically prohibited from distributing the Java Virtual Machine it has.

6. A requirement that MS only incorporate standard communications protocols in its products. A standard communications protocol is one that has been ratified by either the International Standards Organization, or the Internet Engineering Task Force. MS would be required to adhere to the strict requirements of the ratified standard, although it could at any time propose new standards or modifications to existing standards for adoption by either body.

7. A requirement that MS make its consumer operating systems ''open sourced''—that is, MS would be required to disclose and license all source code for its consumer operating systems. Of all the proposals, this is the one that would most benefit consumers, because it is the only option that truly promotes innovation and competition at the operating system level, and would give users a real choice in operating systems, a choice, that most likely, will not require them to give up applications they have chosen to use, or lock them out of potential future applications. Summary: I believe we are all 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.

Any agreement, or any injunction, must ultimately answer the question .... How do consumers benefit from this?'' The USDOJ has not satisfactorily answered this question in their CIS; they have focused on the benefits for companies. As written, the proposed agreement only indirectly, at best, benefits consumers.

In addition, the proposed agreement focuses too much on Middleware and Middleware Products and not enough on operating systems. Both the District Court and the Court of Appeals have noted that a reliance on Middleware and Middleware Products is not a substitute for remedying an illegal monopoly on operating systems.

I believe that the Court has made a well-intended effort to speedily resolve this case by asking the parties to come to a proposed agreement. However, as I hope I have demonstrated, the proposed agreement falls far short of what is necessary to benefit consumers, and redress illegal monopolistic behavior. Therefore, the Court needs to look at alternatives and changes to the agreement that will ultimately benefit consumers by changing MS'' illegal monopolistic practices. For the Court's benefit, I have provided a list of changes that I believe will benefit consumers.

Jeffrey Harris

MTC–00027388

From: ALadd70022@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:46pm
Subject: Microsoft settlement

Dear Sir:

As both a Microsoft stockholder and product consumer I find the on going legal proceedings against the company unsettling.

At first thought I see it as an attempt by the legal community to go after a ''Cash Cow'' gleaning as much of the companies financial resources as possible in the name of protecting the consumer. Cases brought against other companies in the past have garnered very little for the consumer but have fattened the wallets of legal community.

As an investor in Microsoft I have watched the value of my holdings plummet, at times, by more than fifty percent. This loss in wealth, due to the constant legal battles, has not settled very well with me as, I am sure, it has with others who have portions of their retirement savings tied to the companies fortune.

As a consumer of Microsoft products I don't really understand the problem. I have had both MSN and AOL. installed in our machines and have chosen to use AOL. I have Microsoft's Money program installed on our new machine from the manufacturer but have chosed to use another financial program without encountering any problems from the company. When we first bought a computer I chose to use another word processing program because I found it better than the Microsoft product that was installed from the factory. I don't see where Microsoft has caused me any damage as a consumer. All you have to do is use your head a little bit and decide what works best for you.

I have to comment on the business practices that the company has been accused of using over the years. Having been in the business community for over thirty years I can well understand why the company might have acted on the defensive in its dealings with other companies. It is a dog eat dog world and if you don't protect yourself then another company will cut your throat. Ethics in the business world are a facade used to get whatever you can for yourself and screw everyone else. So I don't see where the company acted any different than how any of its computitors would have under the circumstances. Just look at what AOL is doing to small web site providers and the Enron case.

In closing, I hope that there is a reasonable settlement to the case that allows the company to spend its resources developing product that will improve the productivity of the country and not on defending itself against a continuing parade of legal battles.

Sincerely,

Anthony V. Ladd

MTC–00027389

From: Ben Levi
To: Microsoft ATR
Date: 1/27/02 11:49pm
Subject: Microsoft Settlement

January 27, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I concur with the Consumers for Computing Choice, who believe that any settlement or Final Judgment must include remedies that provide: (1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Thank you for considering my views.

Robert Ben Levi
151 Wildcat Lane
Boulder, CO 80304
303–546–0679

MTC–00027390

From: Mitchell Baker
To: Microsoft ATR
Date: 1/27/02 11:49pm
Subject: Microsoft Settlement

The Proposed Settlement Fails to Remedy Antitrust Violations and Fails to Protect the National Interest

The Proposed Settlement Should Be Rejected

1. Microsoft has maintained its operating system monopoly through illegal means. The proposed Settlement suffers from two critical flaws: it allows Microsoft to maintain all the benefits of its illegal activities, and it will be ineffective in preventing Microsoft from continuing its actions to maintain its monopoly position.

2. The activities likely to maintain Microsoft's operating system monopoly in the next few years are not the same activities that illegally maintained it during the past. The proposed Settlement may perhaps prohibit continuation of some of the activities that benefited Microsoft in the 1990's, but it will do little if anything to prohibit the activities useful in illegally maintaining the operating system monopoly today.

3. The Microsoft operating system monopoly is bad for our national interest. The Microsoft system is notoriously poor at protecting data, and is far behind other available options. Assisting Microsoft to maintain its monopoly position, as does this proposed Settlement, makes it very, very difficult for citizens, consumers and businesses to take steps to protect their sensitive personal and business data.

4. The proposed Settlement threatens innovation. Innovation in software development is critical to our national interest. Significant innovation in software development comes through the open source, free software and educational communities—this is how the Internet was born. Similarly, the proposed Settlement harms consumers by discrimination against non-profit software development activities. For example, section III(J)(2) of the proposed Settlement allows Microsoft to withhold information from those who do not meet Microsoft's criteria for the ''viability of its business.'' Section III(D) specifies that Microsoft disclose information regarding APIs to /commercial/interests. This language could be interpreted to allow Microsoft to withhold information from open source and free software groups—groups which are at the forefront of a great deal of software innovation. And also to withhold information from those software development teams most likely to provide a

choice to citizens and consumers. Many activities by non-profit groups provide the foundation for commercial activities as well as enormous benefit to consumers. Any suggestion that these groups could be excluded from whatever protection the proposed Settlement offers should be eliminated.

5. The specifications for Microsoft APIs and file formats must be public. Providing subsets of this information to subsets of the development community does not provide an effective remedy. Our national interest and well-being as citizens depends on innovation and choice, particularly in the way we handle digital data. The illegal activities of Microsoft threaten this well-being, and the proposed Settlement is a monumental failure on all fronts. I urge the Court to resist the allure of a speedy answer, and to reject the proposed Settlement.

W. Mitchell Baker
2704 All View Way
Belmont, CA 94002

MTC–00027391

From: Mariam Rangwala
To: Microsoft ATR
Date: 1/27/02 11:5l pm
Subject: microsoft vs netscape public opinion, as follows:

January 27, 2002

To All Who This May Concern:

I think that the Microsoft Company should not settle because they have already settled and agreed with the federal government and several other states on a criminal suit. This civil suit against Microsoft is for the financial compensation of Netscape. This claim against Microsoft will be hard to prove because Microsoft is an extremely prosperous and large company. Also, Netscape had taken many missteps in the marketing and product development, which enabled Microsoft to provide a continually better browser. Technology changes very quickly and the importance of taking advantage of solidifying and maintaining market positions is essential for each company to succeed. Netscape was not able to do these things. In addition, this matter is several years old and it would be very difficult to prove civil liabilities and new technologies that are constantly changing, since a great deal of the matter is ''blurred.'' Finally, Netscape is not an independent country. AOL Time Warner purchased it and this company knew what they were buying since they bought Netscape less then two years ago.

''In 1899, Rockefeller, founder of the powerful Standard Oil Company, testified before a congressional commission that was investigating industrial combinations.'' This case describes the positive things about the combination of companies and the large amount of money that monopolies bring in. Also, money helps the economy grow and prosper; the idea of large businesses was that anyone can rise up to become rich and therefore this was a great way to have businesses.

This relates to the current because both companies were being sued because they were guilty of being monopolists. This is a crime because monopolies can take over the business world because they have large amounts of power, and many smaller companies must abide their rules. This makes monopolists rich companies who can set all the rules and have every other company listen to them.

Sincerely,
Mariam Rangwala

MTC–00027392

From: Vince Fosterknows
To: Microsoft ATR
Date: 1/27/02 11:51pm
Subject: Microsoft Settlement

Drop the MS fiasco, which was started without merit. Get on with the critical business at hand in putting terrorists behind bars!!!

MTC–00027393

From: wn2y@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:50pm
Subject: Microsoft Settlement

I am writing this comment because I received a telephone solicitation last evening, requesting that I visit a web site and compose one from there in favor of the proposed settlement. I do not favor the proposed settlement. I read, understood, and agreed with the findings of fact and law reached by Judge Jackson, and favor the remedies proposed by him. I offer the following suggestions for improvement:

The prohibited conduct enumerated in section III.2 should include discriminating against an OEM for selling a personal computer with another operating system installed, regardless of whether a Microsoft operating system is also bootable on that computer. Microsoft should be prohibited from requiring the installation of one of its operating systems on all PCs sold by an OEM or licensee. Licensing fees should be based on volume alone, not on percentage of sales. There should be provision for the preservation of records for the term of the consent decree. It would not be unreasonable to preserve daily backups of the corporate e-mail systems, on DVD for example, to ensure that evidence of further violations of antitrust law would be more easily documented.

Five years seems too short a period for supervision of the company. I would think an eight year term, with the possibility for two three-year extensions, more appropriate.

Francis E. Johnson
10 Alfred Drive
Poughkeepsie, NY 12603

MTC–00027394

From: SlashDevNull
To: Microsoft ATR
Date: 1/27/02 11:51pm
Subject: Microsoft Settlement

Hello,

I am writing to protest the settlement of the Microsoft case. Microsoft is has illegally leverage their illegally created monopoly in Operating Systems to create a monopoly in browsers and office productivity applications. I do not believe that the DOJ should settle the case and should push for a breakup of microsoft. I believe the breakup should be into three parts; Operating Systems, Business applications, and internet related technologies. I also believe that microsoft should be forced to sell off their programming language division and be forced to use a third party1s tools. This would ensure that microsoft could no longer put other companies at a disadvantage by ?hiding1 APIs that only they have access and knowledge.

Microsoft has hurt the consumer repeatedly by their predatory practices and they should be reigned in. The decision should be more than just a fine. No matter how large the fine is, if the decision does not force microsoft to stop their illegal practices, then the decision will be viewed by microsoft simply as the cost of doing business. And no matter the amount of the fine, microsoft would view a fine as a welcome and preferential decision.

This is the DOJ1s chance to level the playing field for all of microsoft1s competitors and to establish choice as an option. Please do not waste it.

Thank you,
David

MTC–00027395

From: Leslie Gialamas
To: Microsoft ATR
Date: 1/27/02 11:51 pm
Subject: Microsoft Settlement

CC: microsoftcomments@doj.ca.gov@inetgw

Judge:

I think that Microsoft has dominated almost all computer based industries for long enough. They have been using these ''monopolistic practices'' to work against the government, and for that they should be punished to the maximum extent of the law. There are many other companies with the same technology as microsoft, who want a chance to make it in the computer industry. Microsoft should be broken down and not allowed to maintain their position in this high tech industry. Competition is a crucial part of any business, Microsoft needs to feel the pressures of having a competitor. Thank you for your time.

Sincerely,
Leslie Gialamas
Phone # (213) 741–1886
Los Angeles, CA

MTC–00027396

From: Mike Droney
To: Microsoft ATR
Date: 1/27/02 11:52pm
Subject: Microsoft Settlement

To whom it may concern,

This is a letter regarding the nature of the settlement between microsoft corp. and the US government concerning the anticompetitive practices that the softweare company has practiced for years. I believe the settlement does very little to open the way for other companies to compete against microsoft. The language used in PFJ are obscure and vague at best, allowing certain loopholes to be exploited to the benefit of Microsoft in circumventing the various agreements reached between the two sides. For instance, the settlement does force microsoft to reveal its APIs to the competition. However, the inverse of this is true also, with the competition having to do the same with their software. This leaves smaller companies at risk from the same

predatory practices that have been the trademark of microsoft, i.e. microsoft, now having access to foreign ATIs, may ''plagiarise'' the products, thus. According to James Mathewson's column at Computer User.com, this is ''indicative of the whole agreement''. According to the same journalist, the supposed $1.4 blillion dollar computer and software settlement donation will help to enhance Microsoft's philantropic image.

Where is the justice or rationale for such a settlement, and who is the real winner in this outcome. Not alternative software companies, and certainly not the public.

Sincerely,

Michael Droney.

MTC–00027397

From: Joe Reed
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

To whom it may concern,

As an advocate of individual rights and capitalism, I am deeply disturbed by the DOJ's attack on Microsoft in the name of consumer protection. I do not believe the government has the right to dictate how Microsoft builds and markets its products, nor do I believe the government has the right to tell me what software I have on my computer. Microsoft has committed no crime, and I as a consumer need no such protection from the government.

Microsoft reached its current market position through years of extensive research and development, innovation, and careful marketing (not to mention a lot of hard work). Microsoft never forced anyone to buy their products, and in fact has no legal power to do so. Microsoft's sales were the result of voluntary agreements that were reached by the mutual consent of both parties, into which the government has no right to interve. Millions of customers, myself included, have made a voluntary conscious decision to purchase Microsoft products because of the values they provide (e.g., features, compatibility, upgradeability, stability, etc.), not because we were coerced or threatened.

Microsoft has the right to do whatever it wants with its products, including adding features it determines will enhance the value of its products, selling or licensing its products to whomever it chooses on whatever terms are agreed to by both sides, and revealing or concealing design details as it sees fit.

Microsoft's products are not public property to be designed or dispensed at the whim of its competitors or the government. In addition, this case is further flawed in that it was brought about as a result of complaints by Microsoft's competitors, not by an outcry from consumers. And the proposed ''solutions'' will do nothing but prop up Microsoft's unsuccessful competitors who have chosen to compete in the courtroom rather than in the market.

The government's number one job is to protect individual rights. In this case, the government has not only miserably failed to do so, but is in fact become the biggest threat to individual rights. This case should be thrown out, and all anti-trust regulations should be immediately repealed.

Sincerely,

Joe Reed Friendswood, Texas

MTC–00027398

From:QueenOFtheTigers@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:53pm
Subject: hi

I feel that what microsoft is doing is wrong. Why should that company be able to have the power to avoid sharing their product with other companies so they can also develop similar software. Just because microsoft is a big and powerful company doesnt mean they have the right to peform monopoly. If other companies can not then why should microsoft have the right to. Also the fact that they are denying that they have and its taking so long for the courts to press charges on them is wrong. If it were another company that was not as popular they would have been out of buisness. from, chrystal torres

CC:queenofthetigers@aol.com@inetgw

MTC–00027399

From: Jim Snyder
To: Microsoft ATR
Date: 1/27/02 11:48pm
Subject: Microsoft Settlement

The proposed settlement is woefully inadequate.

I'm a long-time computer user (30 years), a computer programmer, a part-time system administrator in my office, and the administrator of a home network of Macintoshes, Unix machines, and a Windows machine. The settlement does little or nothing to address key Microsoft holdings which buttress Microsoft's monopoly and make it well-nigh unassailable: Microsoft proprietary application interfaces, protocols,and file formats. I wish to focus primarily on file formats. In my workplace the use of products which compete with Microsoft products—OS other than Windows, word processors other than Microsoft Word, spreadsheets other than Micro- soft Excel, and web browsers other than Microsoft Explorer—is difficult and sometimes simply not possible because no competing vendor has products which are fully compatible with the Microsoft file formats.

These competing products are not fully compatible because Microsoft does not release specifications for its file formats. Competing vendors must reverse-engineer Microsoft file formats, which change every time Microsoft releases new versions of its applications, typically about every year or two, and this process of reverse-engineering takes time.

Because any product which is less than fully compatible with the monopoly product is at a competitive disadvantage, every product which competes with a Microsoft monopoly product is automatically at a competitive dis- advantage, not because of technical inferiority or higher cost, but because Microsoft can (and does) act to prevent compatibility, rather than competing on the basis of price, performance, and other market-differentiating issues, eg security.

There is no benefit to society when Microsoft locks out competition in this way. There is of course no guarantee that competing products would eat into Microsoft's market share, but it does seem reasonable to believe that Microsoft would be forced to compete on price, performance, etc, if the playing field were leveled. Microsoft is clearly not competing on price and performance at this time.

Indeed, this behavior is reminiscent of Bell System behavior in the 1950s and 1960s which led to the Carterfone case. Microsoft need not threaten to disconnect customers who use non-monopoly products as did AT&T): these customers are automatically at risk of disconnection from the monopoly customer ''network'' because Microsoft denies the vendors of non-monopoly products the information they must have if they are to produce products which are compatible with monopoly products, and hence able to compete with monopoly products. In effect, file formats are the ''interconnection specifications'' which the Bell System was compelled to provide (as a monopoly) to vendors who wished to compete for telephone business. Microsoft, as a monopoly, should likewise be compelled to provide interconnection specifications to their applications, so that other vendors can build applications which compete on a level playing field with Microsoft's monopoly applications.

Nothing in the settlement addresses file formats. Hence if this settlement is approved, Microsoft will continue to enjoy a monopoly in the applications space. And while their OS monopoly is not seriously threatened at this time, the Microsoft applications monopoly strengthens the Microsoft OS monopoly.

I suggest that Microsoft should be compelled to release specifications for their file formats on a timely basis—and that ''timely'' be explicitly defined so that competing vendors can release compatible products at the same time that Microsoft releases new versions of its monopoly products. I suggest that access to these specifications should be open to everyone by publication on an open web site. I suggest that any competitor should be able to obtain a copy of the specifications either as a printed manual or on a CDROM (eg in pdf format) at a nominal cost-of-materials charge.

I suggest that updates and specification changes to these file formats should be made available on a timely basis—and again, that ''timely'' be defined explicitly, so that competing vendors can retain compatibility with monopoly applications.

I suggest that stiff penalties should be put in place so that if Micro- soft fails to release file format specifications in accordance with the constraints put in place by the court—and Microsoft's past behavior indicates that they will drive a truck through any constraints if they believe they can get away with it—then Microsoft should be penalized sufficiently severely that the the cost of doing business in defiance of the court's orders will not long be sustainable. Any constraints on Microsoft's behavior must have teeth in them.

I suggest that there should be a watchdog group to which competitors can bring complaints of non-compliance by Microsoft's with these provisions. I further suggest that this watchdog group have the author- ity to

direct Microsoft to release documents immediately, and to impose monetary penalties on Microsoft for non-compliance. Because Microsoft has always used time to its advantage, I suggest that penalties accrue from the time Microsoft has failed to respond to requests for information, and accrue during any appeals process.

I further suggest that the release of incomplete, incorrect, misleading, or unusable information (for example, the release of specifications on Hollerith cards) incur punitive fines above and beyond any fines imposed for failing to comply with timelines specified for release of specifications. Microsoft should be compelled to release to competing vendors whatever specifications are provided to its own programmers simply because Microsoft is a monopoly. Other vendors cannot compete on a level playing field with the Microsoft monopoly without this protection. Although I have focussed on file formats (because those affect me most directly in my work) much the same is true of application programming interfaces (APIs) and protocols—these are the interconnection specifications between applications and the Windows operating system in the former case, and between services and clients in the latter.

I suggest that the same constraints I have proposed for Microsoft file formats also be applied to APIs and protocols.

To go slightly further, Microsoft must be prohibited from sabotaging open protocols such as http by what Microsoft officers have called ''de-commodification'' of such protocols—willful Microsoft changes to established protocols which result in non-Microsoft products failing to produce expected results (''being incompatible'') when dealing with information produced by Microsoft products. Microsoft must be made to play by the same rules as everyone else, lest they drive everyone else out of the game.

Microsoft should not be permitted to use their monopoly control of interconnection specifications as a barrier to competitors entering the market, just as the Bell System was not permitted to use its monopoly customer base and control of interconnection specifications to exclude non-Bell vendors from the marketplace.

Respectfully,
J.H.Snyder
jhsnyder@aya.yale.edu

MTC–00027400

From: Akira Negi
To: Microsoft ATR
Date: 1/27/02 11:54pm
Subject: Microsoft Settlement

Dear Sirs:

With respect to the current Microsoft anti-trust case, I urge you to NOT settle for anything less than a split up of the company. There are a number of incidents that lead me to believe this, but the most of recent such event was when Windows 95 based computer had a problem when adding a hardware. Specifically, Windows 95 OS would crash every time it tried to find a new driver for the new hardware. After some investigation, I concluded that the only chance was for me to reinstall the Windows software. I then found out that it was not possible to do that without going back to the DOS prompt, because Internet Explorer 4.0 was loaded on the computer. I tried to remove it, but Windows refused to let me do so.

This is a clear example of Microsoft forcing its OS and its internet browser both onto the uses at the same time. Seeing that it was not possible to fix a problem I had at hand without going back to the DOS prompt (which defeats the whole purpose of using Windows in the first place), it appears to me that Microsoft would benefit from stopping its practice of using its market share in the OS to force applications onto the users—at least the problems would be solvable without taking a brute approach. Moreover, if forced to consider products more independently, perhaps Microsoft would consider builing more stable OS and more stable internet browsers, which would have eliminated my problem to begin with.

It is my opinion that if Microsoft were two (or more) separate corporations, it would be forced to create their programs in a more modular way with clear interfaces, which would in turn open the doors for other software companies to create a similar, competitive products. I'm sure I'm not the only person who have experiecnced problems with softwares crashing and hanging up the OS. No other industry would accept a product that would have to be rebooted every day or so to keep everything operating normally. Having a clear interface between the OS and applications would make it easier to build a more stable product. For the exact reasons stated above, I do not deem a small penalty to be a sufficient outcome in this anti-trust case. Microsoft's anti-competitive practices must be stopped now, or we risk losing many of its great competitors, including Netscape and Correll (maker of Word Perfect). Our society cannot afford such a loss. We need those competitors to keep producing their respective products in order to have improvements and advancements in softwares. I would find any result that does not put an end to Microsoft's current business practices utterly unacceptable.

Thank you for your time, and good luck in the proceedings.

Sincerely,
Akira Negi
912 Cedar Fork Trail
Chapel Hill, NC 27514 USA
919–969–7720
anegi@nc.rr.com

MTC–00027401

From: Scott Currie
To: Microsoft ATR
Date: 1/27/02 11:55pm
Subject: Microsoft Settlement

I am a programmer by profession; I have never had any legal training or experience. As such, it makes understanding a settlement such as the Microsoft Proposed Final Judgment difficult for me. However, as the results of this landmark case will impact my chosen profession for years to come, I have felt compelled to do what I can to understand this judgment. While I do not grasp the entire scope of the document, I have seen what I view as some problems with the wording therein. These flaws very well may allow Microsoft to avoid the intended punishment, and continue its monopolistic behavior.

One of the few real competitors to Microsoft's products are the loosely organized people who contribute to various open source projects, such as Linux, Apache, and Samba. This judgment does very little to protect these projects. For example, the Samba project develops networking products that interoperate seamlessly with Microsoft products. By using the Samba product, one can create a network server that runs any variety of operating systems, and yet fully functions with Microsoft products as well. This type of interoperability is very important to open competition, as the server administrator can choose the superior products even if they are from different vendors, and expect the network to work well together.

I believe that the clause in the judgment requiring Microsoft to publish their Application Programming Interfaces (APIs) is probably the single best way to ensure competition. If the ground rules for how programs communicate are public knowledge, then there will be true competition, and the best product will be the one chosen by the users. I believe there are gaping holes in the wording of this clause. I understand the intent behind the security exceptions to disclosure in Section III.J.

However, in this networked era in technology, nearly any transactions carried out by computers are potentially security risks. I am concerned that with Microsoft's reluctance to give up their monopoly, they may claim that releasing key components of, for instance, authentication schemes would compromise the security of their products. However, the piece that was withheld was also a key component that a competing project such as Samba would need to be able to interoperate seamlessly.

Another concern is that the publication of these schemes will be under a commercial model. The above open source projects are distributed freely across the Internet, and do not have a per-user charge. Yet the Proposed Final Judgment would allow Microsoft to charge money for access to their APIs. When a project such as Samba is mainly programmed as a hobby, and given away with no concern for profit, the commercial licensing of these APIs will preclude the open source project from benefiting from the settlement.

A final concern I have is that the enforcement committee does not have legal authority to impose punishments should Microsoft choose to violate the terms of this agreement. A According to Section IV.D.4.d, ''No work product, findings, or recommendation 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.''

It makes no sense to disallow the findings of an oversight committee in a legal complaint. I believe when a company has proven itself to be opposed to voluntary steps to avoid monopolistic behavior, there should be a mechanism for the oversight committee to enforce violations of the PFJ.

In light of these concerns with the settlements reached, I do not believe that the Proposed Final Judgment will accomplish the re-establishment of competition in the technology sector. I call upon you to reject this settlement, or at least address these concerns that will enable Microsoft to continue to engage in monopolistic behavior, despite this Final Judgment. Thank you for the opportunity to comment.

Sincerely,

Scott Currie, Programmer Analyst

PS I have also faxed these comments to the appropriate number.

MTC–00027402

From: Michelle Trostler
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

The Microsoft settlement is not in the public interest because consumers need freedom of choice to decide, without the intereference of Microsoft, what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

This is so basic. Please do not bend to the will of big business while compromising the interest of common people.

Thank you,
Michelle Trostler
Sunnyvale, CA

MTC–00027403

From: Dave Michaelian
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

Dear Judge,

Though I am a huge believer in free markets, I do not believe the Proposed Final Judgment (PFJ) is a the best solution.

Microsoft is a wonderful company staffed by wonderful people, but they are guilty of some very grave anti-competitive violations.

Moreover, the PFJ does not provide an effective enforcement mechanism for its remedies.

Best,
Dave Michaelian
CEO, BridgePath Corporation
Campus Crusade for Christ @ USC
Campus Director
2643 Magnolia Ave.
LA, CA 90007
dave.michaelian@uscm.org
213–748–8141
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027404

From: Steve Pietrowicz
To: Microsoft ATR
Date: 1/27/02 11:57pm
Subject: Microsoft Settlement

Hello.

I'm writing to you concerning the proposed settlement between the Justice Department and Microsoft.

I believe it is wholly inadequate, and offers no real remedy against Microsoft's past and current business practices.

I've been working in the industry for the last 17 years, and started working with personal computers in 1978. I've worked for a number of different companies, and worked on a variety of computer platforms, both large and small. Throughout that time, as a consumer, I've seen a number of things that Microsoft has done to maintain it's stranglehold on personal computers. I'm going to address one of those, because I believe it goes to the heart of how Microsoft treats what it views as competing platforms, and how it will continue to behave unless this issue is addressed.

The Java programming platform allows programs to be written which will run on multiple platforms, without needing a special version of the program for each of those programs. This completely eliminates the need for special versions of the same program for different platforms. Instead of having a version for Microsoft windows, another version for the Apple Macintosh, and yet a third for a UNIX system, there is only one version that is needed. Many many companies have licensed the Java programming language, including Microsoft. However, instead of adhering to the license agreements it made with Sun, Microsoft came out with it's own incompatible version of the Java programming language, at first without telling programmers that it was incompatible. I say, ''at first'', because it wasn't until there were a number of news stories that pointed this out to programmers. Microsoft's response was that there version was an improvement of Java, when in fact, the sole purpose was to make versions that only worked on the Microsoft platform. In the end, Microsoft has decided to drop Java all together, and Java is no longer included in the Windows operating systems it recently released (Windows XP).

What Microsoft did, at the very beginning of Java's popularity, was to create a wedge that prevented people from writing programs using Microsoft's Java for other platforms, just to keep it's monopoly intact. I contend that the sole purpose of their licensing the Java platform was use the incompatibilities Microsoft itself created to prevent developers from creating software on other platforms.

This has happened time and time again. Look at any of the more popular programs that Microsoft viewed as ''threats'' to it's existence. Here is a reference to an article of another instance of this sort of behavior: http://eatthestate.org/03–07/MicrosoftPlaysHardball.htm This article describes how Microsoft successfully prevented a highly successful competing product (vs MSDOS), DR-DOS, from running with Microsoft Windows 3.1. From the article:

''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.''

The article sites that the Department of Justice found this out from a memo by Microsoft VP David Cole. The engineers at Microsoft that created this code to prevent DR DOS from running even went so far as to encrypt part of their work to avoid detection.

Additionally, in October of 1998, Microsoft was successfully able to prevent Compaq computer from allowing Apple to include their Quicktime viewer in products it shipped at that time, because of ''incompatibilities'' with Windows. Microsoft had a competing technology, ActiveMovie, which shipped instead.

I urge you to read the rest of this article, which I've attached below. Microsoft has shown time and time again that it will try and introduce code or technology into it's products to prevent them from becoming successful. It's very important this is addressed. And there are several ways to do this.

First, require that Microsoft ship Sun Microsystem's Java with all Windows platforms. This should be a version that passes all tests that Sun requires of it's OEMs, and does not include anything that would break Java programs if executed on other platforms. This is very very important, because while Java was prominently brought up in the trail, there is nothing in the DOJ settlement that addresses it.

Second, require that Microsoft publish the complete operating system source code to Windows, with (and this is important) the tools necessary to build the operating system from source code to binary executable. This will prevent Microsoft from creating ''special code'' that prevents what it views as a competing technology, from running.

Microsoft has shown time and time again, that it can not be trusted to ''do the right thing''. The court should set into place a judgement that requires it to do so.

This is only one issue, and one aspect of how Microsoft conducts itself. Consider how Microsoft has acted in the past on other issues: It required computer manufacturers that sold systems that ran Windows to pay royalties on Windows licenses, even though the system shipped with another (or without) an operating system; It threatened computer manufacturers by saying that it would withhold the Windows operating system, unless they agreed with Microsoft's terms, forcing computer makers to comply.

Please carefully consider all the e-mail you've received, and draft a new, stronger judgement that the one that DOJ currently proposes. Microsoft has already been found to be a monopoly. Please take steps that are more than the slap on the wrist that the current DOJ proposal is.

I look back over the years and think of all the companies that Microsoft prevented from succeeding because of practices I illustrated above. Worse, I think of the number of conference rooms I've sat in, where people said things like ''We can't do this project. If Microsoft ever decides to do this sort of thing, we'll be crushed''. I don't think people that aren't in the computer industry realize how often this takes place.

It's time it stopped.
Stephen R. Pietrowicz
January 27, 2001
Engineer

MTC–00027406

From: Jeremy Praissman
To: Microsoft ATR
Date: 1/27/02 11:57pm
Subject: Microsoft Settlement
Jeremy Praissman
7 Wainscott Lane

East Setauket, NY 11733
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW

As a long time computer user, I waited the June 7th, 2000 verdict in the Microsoft antitrust case with great anticipation. When the ruling was released, it seemed to be a much needed reining in of an anticompetitive behemoth that had stifled growth and innovation in the computer software industry for years. How far we have come in the short year and seven months since then.

Despite the later unanimous 7–0 decision in the Court of Appeals upholding the verdict that Microsoft is a monopoly that engaged in anticompetitive practices and thus broke the law, the proposed remedy has shrunk considerably in scope and reach, from the initial drastic solution of splitting the company, to the current consent decree—a mere slap on the wrists. This reversal in the DOJ position and Microsoft's fortunes can hardly be seen as random, apparently riding hard on the coattails of the recently installed Bush administration. Further indication of potential (hidden) political influence in this matter is the recent revelation that Microsoft has included none of the details of its congressional lobbying in information supplied to the court in direct violation of the terms of the Tunney Act(http://www.washtech.com/news/regulation/14834–1.html). Note that Microsoft spends more than $5 million a year lobbying congress.

Regardless of how the current proposed consent decree came to be, I believe that if anything, it is certainly —not— in the public interest.

Many of the issues that must be addressed under antitrust legislation, such as ''redistribution of the ill-gotten gains'' do not seem to be mentioned at all in the decree. Further, the decree is ambiguous in many places and generally weak. It seems to in fact condone some of the very behavior that resulted in the current antitrust litigation. I will discuss two of the problems extant in the proposed consent decree that I feel most strongly about.

The court has acknowledged that one of the most significant problems potential competitors to the Microsoft operating system monopoly face is the ''Applications Barrier to Entry.'' As Microsoft has been so successful in marginalizing non-Microsoft operating systems, there are no —companies— offering a viable challenger to Microsoft Windows. Thus it is with consternation that I note no clauses catering to the only current reasonable challenger: open source software. I feel that the dcree should mandate the release of all Windows Operating System Product APIs, including those related to security, for the purpose of not only building software to operate within a Windows Operating System Product but also for the purpose of developing middleware to allow other operating systems to run Windows software. This would be a clear step toward opening the market to competition.

I also feel strongly about the fact that the Technical Committee mentioned in the consent decree would have little actual enforcement power. This leaves enforcement of the decree up to further litigation. Microsoft has, through its considerable resources, dragged even this trial on for a ridiculously long time. During the period of litigation, Microsoft integrated the Internet Explorer product further into the Windows operating system releasing Windows 98, an act clearly disrespectful to both the plaintiffs and the judicial system. Windows Me, Windows 2000 and Windows XP have also been released and are installed on millions of computers. These are clear indicators that litigation is not fast enough to effectively stem Microsoft bad behavior. This in addition to the fact that Microsoft has enough money to continue litigation almost indefinitely.

I am strongly against the currently proposed consent decree. I am particularly concerned that if this decree were to become binding, it would adversely effect future antitrust litigation against Microsoft. For more lucid and thorough analysis of the proposed decree, I direct your attention to the comments of Dan Kegel, available at http://www.kegel.com/remedy/letter.html. I fully support his comments and analysis.

Thank you for reading my comment. I appreciate your time and attention.

Sincerely,
Jeremy Praissman

MTC–00027407

From: faith32@bright.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:55pm
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,
Marilyn Riddle
5669 State Route 29 E
Sidney, OH 45365

MTC–00027408

From: Tony Sellers
To: Microsoft ATR
Date: 1/27/02 11:58pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I oppose the proposed Microsoft Settlement. I hope to send a follow-up message in the morning detailing my opposition, but let this statement suffice for now: I fear for the private ownership, security, and confidence of data stored by or passed through Microsoft software due to Microsoft's use of proprietary and closed file formats, APIs, and network protocols, especially in light of their publicly expressed intentions to shift their software to a subscription sales model. Microsoft have been found guilty of abuse of their monopoly position in this case, and are being offered a pathetically weak settlement by the D.O.J. on behalf of the citizens of the U.S. and the world. Please abandon this settlement and play to win.

It would be better to warn Microsoft to behave and put them on a sort of administrative probation than to settle so weakly. You have the power to make this settlement on my behalf, but you do not have my consent to do so.

C. Anthony Sellers
a private individual
Miami, Florida

MTC–00027409

From:kbk@float.ne.mediaone.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:52pm
Subject: Microsoft Settlement

Gentlemen:

On November 5, 2001 I sent the following letter to Thomas Reilly, Massachusetts Attorney General, stating that I supported him in his decision not to join the settlement.

I am not, nor have I been, associated with the software industry per se, but I have used computers as an engineer and physicist for over 35 years. I have watched the industry develop and I'm pretty well acquainted with the fortunes of the companies involved. I do not have a financial interest in any software company, although I did own some Apple stock for a few years.

I stand by the comments in my letter, with one exception: I have been in communication with Starbucks, and they have now added the ability to use credit cards on starbucks.com. I believe this is due, at least in part, to comments by people like myself. It should be noted, however, that using Passport is much more convenient, and that is the way it usually goes.

As an aside, and with reference to the Enron debacle, I would surely like to see all contributions by corporations to government officials cease. I note that Microsoft is now making heavy contributions.

Further, the Microsoft proposal to put computers and software into schools as part of a settlement was laughable to those in the know, because that is exactly how you extend the monopoly to the detriment of the competition. As a Republican I voted for President Bush, and I continue to support him vigorously. However, I cannot agree with the administration's policy on the settlement of this case. I would like to see Microsoft's business practices curtailed before more damage is done.

Sincerely,
Kurt B. Kaiser
8 Bayview Road
Ipswich, MA 01938
978 356 5220
Letter

To
Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108–1698
Dear Attorney General Reilly:

I am pleased that you have decided to proceed with your action against Microsoft. Although the Appeals Court unanimously determined that Microsoft's actions were monopolistic, the settlement does not provide any remedy which would correct the situation or prevent its further extension in the future. Part of the justification for the settlement appears to be along the lines of, ''What is good for Microsoft is good for the country.''

There are precious few vendors now which provide applications for PCs. Adobe and Intuit come to mind. The rest have been crushed (Netscape) or bought out by Microsoft (Visio). Real Player, I understand, will no longer work with Windows XP as Microsoft extends its domination into the multimedia applications. MS has a long history of this kind of abuse, going back to the days of DOS when incompatibilities were deliberately introduced to defeat DR DOS.

Microsoft does not have a superior product, just the dominant one. Bill Gates has singlehandedly destroyed more creativity than any person in history. There is a theory that if MS was stopped, the consumer would suffer. I don't believe that to be the case. There would be a relatively short period of stagnation, during which the current OS and applications would be used, followed by a great outpouring of superior products. Right now, few want to try to compete, the risk is too great.

I notice that the New York Times is now offering an online edition which is exactly the same as the print edition. To view it, you must have Microsoft Windows and Microsoft Internet Explorer. If the consumer wants to use his Macintosh, or Netscape, or Linux with Netscape, well, he's just out of luck. It doesn't make sense economically for the NYT to develop compatibility with those OS and applications because of the dominance of Microsoft. Why are they incompatible? Because of Microsoft's policy of ''embrace, extend, and extinguish.'' Microsoft has introduced incompatibilities (e.g. ActiveX) which make sure that competition is shut out.

If you want to buy coffee on starbucks.com, you have to use Microsoft Passport. No credit cards or PayPal are accepted. I expect to see many more sites like that. Apparently a major reason Starbucks chose MS Passport was that MS claimed it was much safer to have a central repository than to have the consumer store credit card numbers on his own machine. As you may have heard, Wired recently had an article about a programmer who defeated Passport Wallet in less than an hour, and that MS had to shut down Passport to make ''corrections.'' I personally don't want my credit card numbers in the hands of MS because I believe they are not competent to safeguard them. I resent the lack of choice that is developing.

These situations could not have occurred if Microsoft had not been allowed by the government to establish the most pervasive monopoly the world has known.

Sincerely,

MTC–00027410

From: Joseph R. Justice
To: Microsoft ATR,petition@kegel.com@inetgw
Date: 1/27/02 11:59pm
Subject: Microsoft Settlement

Whom It May Concern:

My name is Joseph R. Justice. I live in Alexandria, VA. I am a computer programmer and software developer; currently I am an independent programmer, but in the recent past I worked for several business units of the Thomson Corporation including West Group and Research Institute of America. (This message should be taken solely as a reflection of my own personal views, and not as an indication of the views of any current or past employer.) I am writing to comment on the proposed final settlement between the United States Government and several states to their current antitrust lawsuit against Microsoft Corporation. (See the URL ''http://www.usdoj.gov/atr/cases/ms-settle.htm''.)

I believe that the proposed final settlement does not adequately punish Microsoft for its past anticompetitive and illegal behavior performed in the marketplace and against consumers, end-users, and competitors. I also believe that the proposed final settlement will not prevent Microsoft from continuing and increasing its illegal activities in the future. In fact, I believe that the proposed final settlement as is will only be seen by Microsoft as encouragement and a sanctioning by the government of its past and future illegal activity. Therefore, I believe the proposed final settlement in its current form should not be accepted, and that it should be substantially or even entirely redrawn.

I further agree with and wish to co-sign the ''Open Letter to DOJ Re: Microsoft Settlement'' by Dan Kegel. (See the URL ''http://www.kegel.com/remedy/letter.html''.) To that end, this message is also being sent to the e-mail address ''petition@kegel.com'' as my request to be a co-signer of this letter.

Thank you for your time. If you need to contact me concerning this letter, I can be reached at the e-mail address ''jrj@radix.net'', the street address of ''2727 Duke Street # 1407, Alexandria, VA 22314'', or the phone number 703–567–5057.

Sincerely,

Joseph R. Justice

Joseph R. Justice jrj, (at) radix.net == (AOL IM) JosRJust == anon-24205, (at) anon.twwells.com ==

(EFNet) IRC: jrj, jrjx, jrjxx

http://www.radix.net/jrj ''

CC:Joseph R. Justice

MTC–00027411

From: D S
To: Microsoft ATR
Date: 1/28/02 12:00am

From my understanding of the case, the so called restrictions to the company Microsoft was only a coverup done by both microsoft and the government. The government needs to prove themselves by ''making things right''. Microsoft on the other hand need to remain as ''monopoly'' and do the many evil things that they do as a multi-national company.

The fact that remains abhorrent to me is that XP will be free of any significant restictions. This made the case rediculous in terms that it fails place restriction on the current company product. It also shows a flawed in judgement by the judge. For a law is useless unless it can and will place restictions on microsoft now and in the future. Digging up old dirt and sueing them will not prevent new ways to breaking the law. ''If approved, some analysts said the agreement could greatly benefit computer manufacturers, which would have the freedom to substitute non-Microsoft applications on Windows, including Web browsers, e-mail clients, media players and instant-messaging applications.''

The above statement clearly shows lack of judgement. If the proposal is approved, the general public will not so earily accept software other than microsoft. People who are used to doing things the microsoft way will resist change, especially from companies they have never heard of.

MTC-00027412

To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement
Ramiro Prado
January 27, 2002
2286 S. Blue Island
Chicago, IL 60608
Education Student at University of Illinois at Chicago

The Anti-trust case against Microsoft is not just a case against anti-competitive practices; this case involves the control and dissemination of knowledge. Like Gutenberg's printing press , the World Wide Web (WWW) is the present day access point for knowledge. No single company should have a monopoly on the interface to access the WWW or on the standards to create WWW content.

The progress of the United States, as a technological power, is directly linked to the technical ability of its population. A monopoly on the WWW is a threat for the advancement and continued technological leadership position that the United States has enjoyed.

The bundling of Windows and Internet Explorer has forced innovation to be dictated by a single company. It was the inherent openness of the WWW that spurred the new digital revolution, and the creation of new jobs for the U.S. economy. However, Internet Explorer's domination has stifled innovation on the WWW, because a single browser means strict adherence to a monolithic ideology of WWW content creation and delayed development of the second generation of the WWW.

Microsoft's new .NET initiative is the final stage of control over the WWW. By creating proprietary standards Microsoft will also be in control of the content of the WWW. This new standardization will force all content on the web to be Microsoft approved. A single company with so much power over intellectual as well as commercial information has never been seen and should never be seen.

In spite no sign that Microsoft will change its monopolistic ways. Microsoft's .NET initiative is the new threat to an open and beneficial information highway. A just decision must be made to protect the access and content of the WWW, without a commercial company dictating what future technologies may bring.

MTC–00027413

From: Brian Albers
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing to express my deep and sincere displeasure with the terms of the final settlement in the Microsoft antitrust case. I feel that the proposed conditions in no way restrict the company from repeating the actions that caused the problems in the first place; furthermore, the conditions include no significant penalty and enforcement in them, implying that there was no reason to pursue this case in the first place.

If Microsoft is allowed to continue its monopolistic behavior without check, it will cause even more problems in the industry beyond those already well documented in the trial. Please reconsider the proposed conditions, which do more harm than good. Penalties and enforcement.

Sincerely,
Brian Albers
San Jose, CA

MTC–00027414

From: Tellapple@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC

Dear Ms. Hesse:

I wish to oppose the proposed settlement in the Microsoft case. I do not feel the decision is in the public interest. In my experience with working with computers I have been annoyed by the virtual Microsoft monopoly in many areas and I feel the decision is both vague and I do not see how it can be enforced. I feel that once the publicity has faded, the situation will return to ''start'' and Microsoft will go back to using illegal and non competitive means to take over the software industry. I believe that computer users must have a choice in their decisions about what products to use on their computers. I believe that the settlement must provide ways for competing non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

I hope that you will take my protest into consideration.

Sincerely yours,
Marianne J. Huber
4 E. 82nd St.
New York, NY 10028

MTC–00027415

From: Andy Tripp
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: January 27, 2002
From: Andy Tripp
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Attached is my comment on the proposed Microsoft settlement:
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: January 27, 2002
From: Andyn Tripp
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Introduction

I wish to comment on the Microsoft Proposed Final Judgement[1] (PFJ) settlement as provided for under the Tunney Act[2].

About Me

My name is Andy Tripp and I am a software developer in the Telecommunications Industry. I've been developing, testing, and supporting software in the industry for 17 years. I have no attachment with either Microsoft or any of its competitors. While I use the Java programming language (which Microsoft has been hostile to), I would say that I am impacted by the Microsoft case in much the same way that most people in the software business are. While I am more openly critical of Microsoft than most, I would say I'm a fairly typical software professional. Having worked for AT&T and its offspring for 15 years, I also know a little more about monopolies and divestiture than most. Being a member of the ''Slashdot crowd'' (a technical news site), I also tend to follow Microsoft and it's legal cases more closely than most.

About This Document

This document has three parts. In Part 1, I highlight some of the reasons why the Proposed Final Judgement (PFJ) does not serve the public interest by noting where it falls short and by pointing out potential loopholes.

Because most of the problems of the proposed settlement have already been pointed out by others, I rely heavily on quotes from others here.

In Part 2, I explain why I think that nothing short of splitting Microsoft into three companies will restore competition to the OS and Web Browser markets. While a forced divestiture may seem extreme, I'll try to make the case that it's the only way to restore competition.

In Part 3, I ask for a heavy fine against Microsoft as a deterrent to future illegal conduct. I suggest some starting numbers for calculating what would be an appropriate fine, emphasizing that the fine must be large enough to be an effective deterrent.

Here is the outline of this document:

Introduction
About Me
About this document
Part 1: Problems With The Proposed Final Judgement
API Disclosure
OEM Provisions
Desktop Icons
Technical Committee
Conclusion: The many loopholes in the PFJ Need to Be Closed
Part 2: Microsoft Should Be Split into 3 Companies
Justification for a Split
Why Internet Explorer Should be A Separate Company
Why Windows Should be A Separate Company
How to Determine ''Operating System'' vs. ''Application''
How to Enforce Separation: A Technical Committee
How a Microsoft Split Would Restore Competition
Conclusion: Splitting Microsoft is the Only Way to Restore Competition
Part 3: Deterence: Levy a Heavy Fine
Final Thoughts
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Problems With The Proposed Final Judgement

API Disclosure

There are certainly many loopholes in the area of API disclosure. Zimran Ahmed [3] points out these problems, among other things:

The fact that the definition of ''middleware'' excludes ''outside the context of general Web browsing'' doesn't make much sense. And the phrase ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' gives Microsoft an easy ''out'' to determine for itself what's ''middleware'' and what's not.

The definition of ''Communications Protocol'' is too narrow and seems to exclude SAMBA [4].

Microsoft would not have to disclose any API related to security. It would be easy to label just about anything ''security-related''.

Microsoft would not have to disclose any API to any group that meets ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' That would exclude open source as well as government, educational institutions, standards bodies, etc.

There is no reason to exclude these groups.

Another major problem with the API disclosure is that it forces those who use the APIs to share their finished code with Microsoft. There is no reason to force companies to expose anything to Microsoft.

OEM Provisions

The PFJ's treatment of Microsoft's relations with OEMs has a fatal flaw: Even if Microsoft is prohibitted from relatiation, it would be corporate suicide for an OEM to cross Microsoft. To quote the Computer and Communications Industry Association[5]:

...even its limited provisions (API disclosure, icon removal, etc.) rely exclusively on OEMs to provide a competitive alternative to Windows...there is no likelihood that any OEM will use its small freedoms under the settlement to choose to compete with Microsoft.

This trial has shown that OEMs have been bollyed by Microsoft so badly that they have good reason to fear retaliation if they step out of line.

Former Netscape CEO James Barksdale describes the Microsoft/OEM relationship ''Finlandization''[6]:

During the Cold War, we used to refer to a concept known as Finlandization. What this referred to was that Finland was nominally free of the Soviet Union, but was so threatened by it, it could not act unilaterally without tempering its actions so as not to offend its giant neighbor which could crush it at will. The technology industry now, and after the settlement with DOJ, is still effectively, Finlandized by Microsoft. It is still dominated, and will still cower in fear of the monopolist unbound.

Desktop Icons

The PFJ ensures that non-Microsoft companies may get their icons on the Windows desktop, but the clause only applies to companies who have sold more than a million copies of their software in the United States.

There does not need to be any such limitation. Hardware vendors, service providers, and all kinds of non-software companies might want to pay OEMs to put their icon on the desktop.

Technical Comittee

The three-person technical committee (TC) that the PFJ proposes has some serious problems. First, the fact that Microsoft would be allowed to choose one member, who would in turn help to choose a second, is troubling. No convicted criminal gets to choose his guards, his judge, his jury, or even his parol officer, and Iraq does not get to choose its weapons inspectors. Microsoft would surely choose someone who is biased in favor of the company.

As the TC would work in secret, so there would be no public pressure on Microsoft to simply ignore them.

The TC would have no specific enforcement power. All they could do is report back to the DoJ on what's happening inside Microsoft.

The TC members would be payed by Microsoft. That creates a conflict of interest.
Conclusion: The many loopholes in the PFJ Need to Be Closed

The PFJ has been widely critisized [7,8] and software industry is virtually unanimous in it's characterization of the PFJ as being full of loopholes and ineffective. The more generous critiques call it a ''slap on the wrist''. I believe the most common view of it was put simply by Massachusetts Attorney General Tom Reilly, when he said[9] that the deal was ''full of loopholes and does little more than license Microsoft to crush its competition.''

Part 2: Microsoft Should Be Split Into Three Companies

In this section, I will explain why I think that the PFJ is not sufficient to stop the unlawful conduct of Microsoft and restore competition to the OS and Web Browser markets. I propose splitting Microsoft into an Operating Systems (OS) company, a Web Browser company, and an Applictions (and everything else) company.

Justification for a Microsoft Breakup

While most of the remedies in the PFJ attempt to ''terminate unlawful conduct'' and ''prevent repetition in the future'', none even come close to attempting to ''revive competition in the relevant markets''. In his legal summary of the Microsoft case[7], Paul M. Kaplan states:

Finally, the Court highlighted its major concerns with its entry of the Final Judgment—namely, ''to terminate the unlawful conduct, to prevent its repetition in the future, and to revive competition in the relevant markets''. Supra at 3. United States v. United Shoe Machinery Corporation, 391 U.S. 244 (1968) provides guidance as to the judicial relief that should be granted where a defendant is found guilty of violating 2 of the Sherman Act. In that case, the Court stated that the appropriate relief in a ''Sherman Act case should be to put an end to the combination and deprive the defendants of any of the benefits of the illegal conduct, and break-up or render impotent this monopoly power found to be in violation of the act. In short, the remedy should achieve its principal objects, ''to extirpate practices that have caused or may hereafter cause monopolization and restore workable competition in the market'.'' Supra at 252 The remedy must be strong enough that in the future, people look back and say ''there is now competition in both the PC Operating Systems market and the Web Browser market because of the Microsoft trial.''

The CCIA[5] also points out that the settlement does not address the core monopoly problem:

the DOJ 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 the DOJ settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized.

The DOJ 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. Typified by Windows XP, which ties Internet services, digital media software and instant messaging (among other features) to Windows, Microsoft is demolishing potential competition in these new markets just as it did in 1995–98 to Netscape. The Court of Appeals ruled that a remedy must ''ensure that there remain no practices likely to result in monopolization in the future,'' but the DOJ deal does not even try to restrict ways in which Microsoft could (and already has) leverage its Windows monopoly in the future.

In fact, as the CCIA mentions above, Microsoft is continuing its illegal practice. Today, Microsoft not only enjoys an OS monopoly, it now enjoys a Web Browser monopoly and an ''Office Applications'' monopoly. It is using the same tactics that it's been conviced of to extend its OS monopoly to a ''Media Player'' monopoly and ''Instant Messanger'' monopoly. Microsoft claims[10] that many of these ''applications'' are or should be integral parts of the operating system. But in fact, viable markets already exist for these applications. The Web Browser market was once very profitable for Netscape. Many non-Microsoft ''Office Applications'' have done fine in the past, and certainly there are many ''Media Player'' and ''Instant Messager'' providers today.

Why Internet Explorer Should be A Separate Company

In my opinion, there is simply no way to restore competition to the Web Browser market other than to separate the IE application from the rest of Microsoft. Anything short of that would allow Microsoft to fund IE development from it's monopoly-generated funds. If IE were forced to be self-sufficient, it would help to level playing field with other web browsers—both existing and potential new ones. Microsoft would argue that Netscape is funded by AOL, and thus would have an unfair advantage. This is true, but some advantage is now needed to restore competition now that IE has around 85% market share. By analogy, AT&T had far more restrictions place on it after its divestiture than its competitors. This was necessary to attempt to create competition. It's true that all else being equal, it would be unfair to only restrict Microsoft. But all else is not equal: Microsoft has been convicted of illegally maintaining and extending its OS monopoly to the browser market.

Microsoft would also argue that the consumer would be harmed because IE today is free. IE in fact is not free.

Consumers are simply paying for it as part of the price of Windows.

The separation of IE from the rest of Microsoft would be necessary but not sufficient to re-establish competition in the web browser market. There would need to be the regulations you might expect to ensure that it's really separate: No cross-ownership, no special agreements, no comingling of code, etc. between these two companies. And just as local phone companies could not enter the long distance market until they had competition in their local market, The IE company would need to be restricted from the OS market, and the OS company from the browser market, until competition existed.

The CCIA and SIIA organizations filed a ''friend of the court'' brief[12] in which they forcefully argue the need for not just the OS be split from the rest of Microsoft, but for the Web Browser part of Microsoft to be separated also. Judge Jackson seemed to feel that this was the best solution, but as it was not the one recommended by the prosecution, it would have been inappropriate to impose it. But two things have changed since then. First, the effects of Microsoft's illegal activity continues to give IE increased market share and erode the competition in the Web Browser market. With over 85% of browser market share, Microsoft now has (or is close to having) a monopoly on the browser market, which it didn't have just two years ago. Second, the DoJ, under a new administration, has not only dropped it's efforts for a structural remedy, it has agreed to this very weak PFJ. To some extent, the DoJ has ''switched sides'', now siding with Microsoft on a weak remedy. While there was little reason to second-guess the 2-way split supported by the previous DoJ prosecutors, there seems to

be plenty of reason to question whether the current DoJ is doing what's in the public interest.

As you might guess, others[13,14] have also recommended this 3-way split.

Why Windows Should be A Separate Company

Separating IE from the rest of Microsoft would attempt to remove the illegally established monopoly in web browsers, but there still is the issue of Microsoft continuing to extend its OS market to other markets, such as Media Players, Instant Messaging, Virus software, etc. The court found that Microsoft attempted to maintain its monopoly through restrictive OEM contracts, and illegally extend it through web browser tying. But, of course, it did not find Microsoft illegally extend their OS product to these other areas, as Microsoft only started to bundle these recently. But the principle is the same: to tie an application that is in a competitive market into the monopoly OS. The remedy must take steps to stop this activity. By analogy, when someone is convicted of stealing from a bank, the remedy should also prevent or discourage him from stealing from anywhere else. In fact, the remedy should discourage him from breaking any law even remotely related to the original crime.

So how to prevent Microsoft from its ongoing practice of taking over markets by extending Windows to include them? The only way to do this is separate the OS into its own company. This remedy has wide acceptance as the most effective solution, including several thorough briefs[11] supplied to the court. I believe this remedy is the only way to prevent Microsoft from continuing to illegally maintain and extends its OS monopoly. A large fine may discourage it, but only a structural remedy would prevent it.

The Windows product must be split into a completely separate company from all other products in order to stop it from growing by consuming other application areas, and thus illegally extending its monopoly. The company would need to have the obvious restrictions: No cross-ownership, no special deals with other companies, and no extension into other markets. In addition, as was the case for .AT&T, it would need to be profit-regulated to ensure that it does not overcharge customers.

How to Determine ''Operating System'' vs. ''Application''

The difficult part of enforcing such a split would be on the technical issue of not allowing the OS to grow into ''application'' areas. Bill Gates, in his disposition[10], lists many ''gray areas'' which are not considered part of the dictionary-definition of ''Operating System'', but which recently have tended to be delivered as part of the operating system:

Font management
Disk backup, optimization, compression
A shell (DOS/Unix command line)
A help system
Anti-virus software
Remote boot capability
Graphics support
A control panel
ù email capability

demos to show off OS features.

This is just a rough list off the top of his head; there are probably hundreds of such areas that some might consider ''part of the OS'', and others would consider ''applications''. In this deposition, the DoJ presented dictionary definitions of ''Operating System'' and ''application'', and then noted that the web browser was always referred to, even by Microsoft, as an ''application''. But Microsoft has a valid point here: many features are delivered with the OS these days, and the consumer does benefit from their inclusion.

How do we determine whether these and other ''pre-packaged applications'' may be included in the OS or not?

My proposal is to ask a simple question:

Has there been, is there, or could there be, a viable market for the feature as an application that's separate from the OS ?

Certainly, there are many email applications for sale out there. There is healthy competition in the anti-virus software market. There are businesses who's products are disk management. And there are alternative ''shell'' products such as MKS Toolkit. Microsoft could argue that the Operating System would be better if these where included, but that's not the point. The point is that they did (or do, or might someday) also exist as ''applications'' within a viable market where competition exists.

Another analogy: Certainly a car would be ''better'' if it included any number of built-in features: a car stereo, a map, a compass, a thermostat, etc. And in a competitive market, no one would restrict a car company from including such features. But if one car company had a monopoly, inclusion of more and more of these features would destroy the existing markets for these products and would be illegal under the Sherman Act. Only features which are absolutely critical for the car to function (such as tires and an engine) should be allowed to be packaged by the convicted monopolist.

How to Enforce Separation: A Technical Committee

If we had a separate Microsoft OS company, it would need to be restricted from entering any area where a viable market already exists. Further, we would need an enforcement mechanism by which this company would be forced to remove or usable any feature that has a viable market outside of the OS.

Certainly there are vibrant disk management and anti-virus markets today, and Norton (the leading non-Microsoft player in this market) and others should get the benefit of having these features unbundled. In addition to an existing market being criterion for unbundling, a past market should be grounds also. So Opera or Netscape/AOL should not have to prove that the browser market is still competative, just the fact that Netscape dominated a non-OS web browsing market in the past should be justification for unbundling it from the OS.

More recently, certainly AOL dominates an ''instant messaging'' market and Real Networks is in a viable ''media player'' market. On the other hand, I don't know if there is a viable market for ''font management'' or ''control panel'' or ''OS demo'' or ''remote administration'' markets outside of the OS itself.

The determination of whether a product is (or could be) a ''viable application'' as opposed to only an ''OS feature'' should not be left to the traditional court process because it is too slow. In the fast-moving software industry, it's just not practical have a trial and take years to make such a determination. With Microsoft now bundling Media Player in Windows XP, for example, Real Networks could easily be long gone two or three years from now.

I propose an independant panel or ''Special Master'' appointed by the court to determine whether a particular feature once had, does have, or could reasonable have, a viable market as an application. This panel would analyze the feature from an economic point of view, not a technical one. In this way, it would not be enough for Microsoft to simply claim ''It would be cool to browse your local disk using your web browser.'' or ''It would be convenient for the user to have a disk compression utility built in to the OS.'' Instead, Microsoft would be required to show that disk compression software (for example) is not a viable application, never was a viable application, and never could be a viable application outside of the OS itself. Non-Microsoft companies could petition the panel to have a feature considered to be an application, and if the committee agreed, it would have the power to force the Microsoft OS to unbundle it from the OS.

Such a ''technical committee'' should differ from the TC proposed in the PFJ:

It should be independent of Microsoft
All it's activities should be public
It should have enforcement powers
Its members should be selected by the court

How a Microsoft Breakup Would Restore Competition

How would a three-way company split and a Technical Committee as outlined above stop the ongoing extension of Windows? First, the committee would certainly have one ruling already decided: there certainly was once a viable web-browser application market, and Microsoft should be immediatly forced to unbundle it.

Companies such as AOL, Real Networks and Norton could immediately petition the TC to have instant messanging, media player, Virus and Disk management be declared viable markets, and Microsoft would be forced to unbundle these features from the OS. Over time, more an more features would be unbundled from Windows, until eventually all that would be left is what the dictionary says is an Operating System: just the ''kernel'' and basic device management. The Technical Committee's job would be to remove the ''Application Barrier to Entry'' for each type of application, one by one.

This is the only way I can envision returning competition to what is today the almost all-encompassing area of an ''Operating System''. The only other suggestion I have heard that even attempts to restore competition would be to split Microsoft into several ''Baby Bills''—smaller companies that all share the rights to Windows.

I doubt that that would work. For starters, all employees could simply quit and all one

company— perhaps on their first day, and perhaps all join the company led by Bill Gates. Conclusion: Breaking Up Microsoft is the Only Way to Restore Competition

In conclusion, I do not take proposing a breakup of what's probably the worlds most successful company lightly. But I think the situation now parallels the situation with AT&T before divestiture. There was no real long-distance competition then, and there is no real operating system competition now or in the foreseeable future. While AT&T was prohibited then from entering new markets (like local service), Microsoft is not restricted from extending the OS into all sorts of other software markets. While there was a fairly clear distinction between long-distance and local phone service for AT&T, there is no such clear technical boundary between an operating system and an application. We can be sure that if left unchecked, Microsoft will continue to extend Windows into all sorts of other areas. In fact, all the Microsoft employees in all their testimony where careful never to rule out any software as potentially being part of the OS. The best we can do is basically to say ''If there was, is, or could be a market for it outside of the operating system, then we must eliminate the barrier to that market's existance: force its removal from the Windows operating system.'' Part 3: Deterence: Levy a Heavy Fine Aside from the structural remedy I propose here and the contract and API-related remedies proposed in the PFJ, I don't understand why there is no punishment proposal in the PFJ, such as a heavy fine. I do understand (at a high level—I Am Not a Lawyer) that this is a civil case in which the goal is to stop the behavior and the criminal cases (such as the class action suit filed by states and the recently filed suit by AOL/Netscape) are meant to provide relief for the victims (consumers in the one case and a company in the other). But it seems to me that the simplest, easiest to implement, and least controversial way to stop Microsoft from continued illegal activity would be to levy a heavy fine for its previous illegal activity. How large of a fine?

Large enough that Microsoft executives would regret having done the illegal activities and would not do them in the future, simply on economic grounds. To this day, Microsoft executives say ''We've done nothing wrong'', and that may never change. The court can't change that, but the court can levy a fine that will cause them so say ''...but we won't do it any more because it would be bad business.''

Of course, calculating an appropriate fine would be very difficult, but here are some rough numbers to consider. Microsoft has several tens of billions of dollars in cash, and I believe roughly half is from the sale of Windows. Windows 95, 98, 2000, cost around $90, a little less when preloaded by an OEM. Microsoft's own trial testimony indicated that around $49 would have been a reasonable price for these products. (Microsoft enjoyed an 88% return on investment, compared to 13% for other industries). So multiplying a $40 ''overcharge'' by the number of copies of Windows 95, 98, and 2000 sold would give a ballpark figure of the amount of damages to consumers. Perhaps other versions of Windows (such as Windows XP) and their prices should be taken into account. Certainly, upgrade prices (as opposed to ''complete versions'') should also be considered.

I believe it would take a fine in the tens of billions of dollars for Microsoft's past illegal activities to be considered as having been a bad business decision. Such a fine would not be enough to put Microsoft out of business, but enough to do serious damage comparable to that suffered by Netscape. Final Thoughts

Thank you for reading this document. I think input from the public, and from people in the software industry in particular, should be given very serious consideration considering the huge impact this ruling will have on the industry. I believe the Tunney Act included this comment period for just such a situation as we have today: when the Department Of Justice, for whatever reason, wishes to settle an antitrust case in a way that does no serve the public interest, the public should be heard.

References

[1] Proposed Final Judgement

[2] The Tunney Act

[3] Zimran Ahmed, Letter to the DoJ, 12/10/01

[4]SAMBA

[5] Computer & Communcations Industry Association, ''US vs. Microsoft: A Trial Perspective''

[6] James Barksdale Letter to Chariman Leahy and Senator Hatch

[7] Epstein Becker & Green, The Unfolding Microsoft Drama: Shattered Windows:

[8] On the Proposed Final Judgment in United States v. Microsoft

[9] BBC News: Microsoft Settlement Search Continues

[10] Deposition of Bill Gates, December 15th, 1998

[11] United States vs. Microsoft Remedies Papers

[12] BRIEF ON REMEDY OF AMICI CURIAE COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION AND SOFTWARE AND INFORMATION INDUSTRY ASSOCIATION

[13] Is It Too Late To Split Microsoft In Three?

[14] Microsoft Remedy Redux

MTC–00027416

From: James Austin
To: Microsoft ATR
Date: 1/28/02 12:07am
Subject: Microsoft Settlement

As a concerned citizen, I wish to offer comment concerning the proposed settlement of United States v. Microsoft.

I am a civilian employee of an agency of the United States Government, where my job function is the administration of a network of personal computers and the technical support of the users of those computers. However, I offer the following comments purely as a private citizen, without the encouragement or even the knowledge of my employer.

I have been an interested observer of the computer industry in various capacities for more than twenty years, and have been professionally involved in the industry for ten. In that time I have seen the development of the industry from a perspective rather different from that usually discussed. My experience is that of someone who has directly used the technology and helped others to use the technology, working alongside both the users of that technology and others whose professional duties were similar to my own. These experiences have taught me several things which I am compelled to share.

First: The case of United States v. Microsoft is almost certainly one of the most important cases of all time, for how this is resolved will have repercussions certain to outlive anyone of this generation now participating in the actual case.

What is at stake is not merely the future practices of one corporation, or even the future structure of one industry. What is at stake is nothing less than the nature of access to information, from the individual citizen to the largest private and public institutions.

Many years ago, I heard of a Jesuit philosopher who had written about an idea he called the ''knowlosphere.'' He imagined that as more and more information was transmitted via computer technology, there would arise around the earth a sort of ''sphere of knowledge'' that would surround the earth the same way the atmosphere does, and that there would come a point in which the essential sum total of all human knowledge would exist within this sphere. Furthermore, this would eventually become so important to the lives of people that it would become impossible to switch off once switched on. Though he imagined this in terms of communications satellites (the highest technology available to him at the time), I maintain that a world of personal computers all connected via the worldwide Internet is the true realization of this vision.

We must now ask ourselves this question: do we wish to allow, indeed do we dare allow, the fundamental infrastructure of human knowledge and thought to become in practice (if not directly in law) the private commercial domain of one corporation?

Second: Microsoft already monopolizes several areas of computer technology, and is working hard to monopolize others.

This point seems hardly worth discussing, because as I write this, the courts have repeatedly ruled that Microsoft is indeed a monopoly and is guilty of breaking the law. What is more interesting is that to this very day, I am unaware of any admission Microsoft has ever offered, to anyone at any time, that it has been found guilty of breaking any law. Indeed, only within the last few months has it acknowledged in any public statements that any court rulings went against it, and vaguely at that.

Third: Microsoft has proven repeatedly that it cannot be trusted even with the level of power it enjoys today.

Microsoft portrays all concern over its power and actions as solely the product of disgruntled competitors. While even that would justify intervention if the competitors were disgruntled because of actions which broke the law (as the courts have repeatedly ruled was in fact the case), what is more significant is Microsoft's actions not against

its competition but against its own customers.

Consider that under the First Amendment, I have the legal right to criticize my government, perhaps even harshly so, and I may even do so in a forum sponsored by that same government. The courts have interpreted this right to extend further; for instance, I may use a telephone and still criticize whatever company provides my telephone service. But I may NOT utilize Microsoft products to criticize Microsoft. This is not a paranoid fantasy, it is a direct reading of clauses in the licenses of several of their products, which explicitly forbid one to ''criticize or disparage Microsoft and/or its products and/or services.'' Indeed one license actually forbids the ''parody'' of Microsoft products and services.

Microsoft demands that companies engaged in any joint ventures waive their rights to sue Microsoft for patent infringement ''even should evidence arise that such infringement has occurred.'' And there are more additional examples than I have time to list, of Microsoft using the courts to squelch criticism and then thumbing its nose at the courts when they issue rulings Microsoft does not wish.

We must now ask ourselves whether the interest of the people of the United States is served when one company not only has the power to behave in this manner, but actually does so, and thus far with impunity. Fourth: Microsoft's already dangerous power is increasing. It has been widely noted that when the Internet first began to become a household word, Microsoft largely ignored the whole phenomenon. Now that Microsoft has taken notice, their objective is nothing less than the total control of the Internet. During the time between the filing of United States v. Microsoft and today, Microsoft's plans to destroy Netscape (publishers of what was at the time overwhelmingly the most widely-used browser for the World Wide Web) have come to fruition, and they now face essentially no competition in that area.

One has to ask why Microsoft wanted to destroy Netscape so badly that they would give away a competing product for free. One reason is that control of the web browser gives one control of the choke point for information and commerce on the Internet. The other reason is that Netscape had ambitious plans to enhance their browser and ultimately to ''grow the browser into an operating system of its own'' which would have threatened Microsoft's monopoly. Perhaps such a scheme would have proved beneficial to the public, but it was a threat to Microsoft, and like all such threats before, could not resist Microsoft's destructive power.

Today Microsoft controls the web browser, and much evidence exists that its ultimate plan is to take control of the basic protocols that servers use to communicate with each other across the Internet itself. Once that happens they will essentially have the level of power that a company would have if they controlled all bank ATM machines, all telephones, all newspapers, and all radio and television stations. All access to information in any form from anywhere at any time would generate profit for Microsoft, and be subject to their approval.

We must now ask whether this is a desirable future for a free people. Fifth: People like me, in the trenches, have long considered Microsoft dangerous.

I could tell you so many stories. Just the jokes we tell to each other betray a deepening gloom about the future. Alas, I am facing a strict deadline for public comment and this must leave them for another time.

Sixth: The proposed settlement of United States v. Microsoft is NOT sufficient. It contains insufficient punishment for past transgressions of the law, insufficient guarantees against future transgressions of law, NO compensation for victims of those transgressions of law, and insufficient remedies for the consequences of past transgressions of law. Much more needs to be said, but as the period for public comment is ending I must draw to a close. But I cannot urge strongly enough that this settlement NOT be accepted as is.

Sincerely,
James R. Austin
(Should this be required by law, my full address is as follows:
155 Watkins Mill RD
Apt. C
Gaithersburg, MD 20879–3336)

MTC–00027417

From: Dennis Wilson
To: Microsoft ATR
Date: 1/28/02 12:07am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

I use Microsoft products, and I benefit from them and their features. Microsoft did NOT force me to buy and use their products. I chose them because they are superior to anything offered by their competitors. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to me. 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 anyone. I would like to remind the court that the complaint against Microsoft originated NOT with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful, jealous competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. I would also like to remind the court that for politicians to protect some businesses from competition by others is a dangerous policy. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as exists in many other countries. I want to see an America where success is not throttled, but embraced. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. Microsoft has a fundamental right to its property. It is the government's job is to PROTECT this right, not to take it away.

Best regards,
Dennis Wilson
DennisLeeWilson@Yahoo.com
''Intellectual honesty [involves] knowing what one does know, constantly expanding one's knowledge, and NEVER evading or failing to correct a contradiction. This means: the development of an ACTIVE mind as a permanent attribute.''
Ayn Rand

MTC–00027418

From: Kory Hamzeh
To: Microsoft ATR
Date: 1/28/02 12:08am
Subject: Microsoft Settlement

Please give serious consideration to the contents of: http://www.kegel.com/remedy/letter.html

Sincerely,
Kory Hamzeh
West Hills, CA

MTC–00027419

From: The Dream Factory
To: Microsoft ATR
Date: 1/28/02 12:10am
Subject: Microsoft Settlement
Hello,

As I understand it, MS1 settlement offer would have them giving away hardware/software to public institutions (school etc.) Now, that1s the core sector of their direct competitor (Apple). I fear the Mr. Gate1s business acumen sees in this an opportunity to give away ''samples'' of his products to a new generation of buyers, which would only lead into making Microsoft stronger and bigger.

Thank you for your time.
JF Leduc,
Montreal Canada

MTC–00027420

From: Jeff Prus
To: Microsoft ATR
Date: 1/28/02 12:12am
Subject: Accept the Current Microsoft Case Settlement
Dear Sir or Madam,

I would like my opinion to be considered for the Microsoft case. I believe the current settlement is fair and urge you to settle this case now. I believe continuation of this litigation is harmful to both the software industry and the economy.

By continuing to add features and functionality to Windows, Microsoft has advanced the PC platform while reducing the costs to the consumer. Furthermore, I believe that Microsoft's ability to add features to the operating system only creates parity with other firms that also incorporate new functionality within the operating system itself, namely Apple's OS X and various versions of Linux. I believe the states that continue to oppose the settlement are only trying to achieve a settlement windfall for Microsoft competitors within their states, however, at a significant cost to the high-tech industry and overall economy.

That being said, I do believe that Microsoft's dominance in the desktop PC operating system market creates a disadvantage for competitors and thus warrants some restrictions in order for other companies to be given a chance to compete.

These include the requirement for Microsoft to include some other companies'' products within Windows as an alternative to Microsoft products. This requirement is covered within the existing settlement. This continued litigation is damaging one of our countries great corporations and I believe a fair and equitable settlement has been proposed. As such, I urge you to settle this case now. The only winner in this continued litigation is the legal profession.

Thanks,
Jeff Prus
jgprus@hotmail.com
(773) 525–1969

MTC–00027421

From: Mary E. Daudelin
To: Microsoft ATR,Mary E. Daudelin
Date: 1/28/02 12:11am
Subject: RE: Microsoft Settlement

Comments included in body of email, in case you don't have MS Office 2000 to read the attachment of my earlier e-mail.

Sincerely,
M. E. Daudelin
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I also feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application. As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use Windows NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser types (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that introduced me fully to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not use MS products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some very good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be much easier if I could convince everyone on this planet to use Microsoft Windows OS's and IE browsers, IBM ThinkPad laptop computers, the same size/resolution monitor and to access the Internet via cable or high-speed access, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between the plethora of computers/systems/browsers that I access in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost). Beyond the concessions contained in the settlement agreement, nothing more should be expected or required of Microsoft at this time. I appreciate your efforts to quickly settle this case.

Sincerely,
M. E. Daudelin
———-Original Message———-
From: Mary E. Daudelin
[mailto:marydaudelin@smyrnacable.net]
Sent: Monday, January 28, 2002 12:06 AM
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Comments on the MS Case:
See attachment.
Sincerely,
M. E. Daudelin

MTC–00027422

From: podoo@netins.net@inetgw
To: Microsoft ATR
Date: 1/28/02 12:10am
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,
Ella B Lankford
P. O. Box 266
Seneca, MO 64865–0266

MTC–00027423

From: Rick Kennell
To: Microsoft ATR
Date: 1/28/02 12:16am
Subject: Microsoft Settlement
To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I am a computer engineer with several years of experience in industry as well as a university instructor. I look forward to a future where I can work in my chosen career of software engineering although, in light of the proposed settlement, this future is fading. I am opposed to the proposed settlement because it does not go far enough to remedy the damaging market structure set up by Microsoft that almost completely squelches other software environments as well as their developers. I find that the terms of the proposed settlement will do nothing more than prolong the status quo. In particular, I find the fact that the settlement would allow Microsoft to continue its damaging anticompetitive practices of economically barring OEMs from shipping computers without Microsoft's OS to be the greatest problem. A correction of this element alone— simply to restore a free-market economy to the PC industry—would be a welcome relief to the industry.

I appreciate the sentiment that a settlement should be reached quickly in order to avoid wasting taxpayer money. I would only hope that if money is to be spent for this at all, that the job should be completed in such a manner as to make it worth the effort of starting the process in the first place. The settlement, as it stands, DOES NO GOOD.

Sincerely,
Richard L. Kennell
Visiting Instructor of Electrical and Computer Engineering
Purdue University
West Lafayette, IN

MTC–00027424

From: MTyler3767@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:17am
Subject: microsoft settlement January 27, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530
Dear Mr. Ashcroft:

A settlement to the antitrust suit against Microsoft has finally been reached, and I hope that it is implemented as soon as the public comment period is over with. This proposed settlement stands to benefit everyone involved, and best of all, allows Microsoft to get back to helping the economy instead of wasting valuable time and money in court.

The economy started its downward spiral the day the suit against Microsoft was announced, and three years later we find ourselves in a recession. Did no one realize just how important Microsoft is to the economy? They provided tens of thousands of jobs to Americans across the country and to people around the globe. I hope this settlement will pave the way for the economy to get back on its feet, and with Microsoft agreeing to work more closely with its competitors, the market has to improve. I know there are many who worry weather Microsoft will adhere to the terms of the settlement, but they have no choice. An oversight committee has been set up that will monitor Microsoft's compliance with the settlement.

Everything needed to improve our economy is in place. The settlement must now be approved in order to get the ball rolling. cc; Representative Maxine Waters

Sincerely,
Mose Tyler

MTC–00027425

From: Bikermandav48@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 12:18am
Subject: Microsoft vs Netscape Opinions Dear the Department of Justice:

Hello, I am from California, and am in the eight grade, and I have a few issues to discuss about the way Microsoft is handling this current case. Right now, Microsoft has made many illegal moves that are all punishable because they are against certain laws set forth in the late 1800's and early 1900's. For example, the Sherman Anti- trust act started a movement to protect the smaller companies. Microsoft has disobeyed, and they monpolized, and are taking advantage of Netscape, which is backed by and even bigger company, AOL Time Warner. The first trial that Microsoft was tried on was very similar to this one. Netscape is sueing, because Microsoft Internet Exploer covers 90% of the Internet Market Share, and the government wants to give an equal perentage of the Internet Market Share to smaller companies like Netscape and AOL. Microsoft is also tried for bundling software in PC'S, which is also illegal. Microsoft should also pay heavy fines for violating anti-trust laws. Therefore, Microsoft rightfully should get this punishment that will come, because it does not give smaller companies a chance.

From:
David Yao

MTC–00027426

From: Delbert Hart
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Tunney Act comment

I have been active in the computer field for over 10 years. I am currently an assistant professor in the computer science department at the University of Alabama in Huntsville. In brief I believe that the proposed settlement will not be effective in curbing the predatory practices used by Microsoft. The most significant deficiencies is the ambiguity in the wording, which may make enforcement difficult. I also have some concerns about the technical committee, especially the technical committee's inability to make public comments. It is reasonable for them not to be able to reveal intellectual property, but they should be able to speak about general issues related to Microsoft's compliance.

I hope that revisions can be made to the settlement to clarify many points and to allow the public direct access to the technical committee. Although I have kept these comments short, I would be happy to provide more details about possible improvments. These are my own opinions and not necessarily those of my employer. —

Del Hart Assistant Professor dhart@cs.uah.edu University of Alabama in Huntsville

MTC–00027427

From: Doug Rothert
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Microsoft Settlement To whom it may concern,

I really intended to make this a longer, more thought out letter, but as the time draws to a close to express my concerns you will get the brief version:

(1) I don't think the existing settlement will restore competition, and I believe it is too little too late. In fact its hard to imagine competition returning to my field (Software Engineering) within the next 5 years or so. I won't dare make a guess of anything beyond that. But the offer on the table is wrong and is a defeat for the consumer, the tax payer, and our nation as a whole. A chilling fact: in some colleges they have ceased teaching fundamental computer science classes such as compilers and operating system in favor of essentially training sessions for integrating things with Microsoft software. Their point being, which are you most likely to use on your job? Only one large company works on compilers or operating systems now . . .

(2) If in fact you do go forward with this proposal and you are looking for someone to be on a team to oversee Microsoft technology, I offer my resume for the job. You can find it online at: http://www.oneheadcount.com:81 I have an interesting past that would clearly disqualify me from being a candidate under the current guidelines of being totally impartial to anything and everything. I've spent most of the last 9 years working on products that combated Microsoft indirectly through my job at IBM. I've worked on OS/2, Netscape, and Java to name a few technologies . . . I also have a fair background on alternative OSes such as Linux and NetBSD. I tend to be drawn toward very large, complex systems of software and I am good at digging into the details, yet keeping the broader picture in mind. I am a technical philosopher of sorts, and I feel I could add balance to a team of experts in favor of competition.

Thank you for your time and effort,
Doug Rothert

MTC–00027428

From: Karelle Scharff
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Microsoft Settlement

I believe that Microsoft should be forced to contribute a significant amount of money to the poorest schools. NOT software, NOT hardware, particularly not software or hardware from which they would stand to profit through updates or any other means. In this case, significant means an amount that would get their attention, ie would actually hurt them. Let the schools decide where they should spend the money. I believe too that there should be some sort of ongoing accountability—so the next time they use monopolistic tactics (and they will) the fine is actually GREATER.

Karelle Scharff
p.o. box 203
Ward, CO 80481
—

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.—Ben Franklin

MTC–00027429

From: RON BALDWIN
To: Microsoft ATR
Date: 1/28/02 12:18am
Subject: Subject line of the e-mail, type Microsoft Settlement. CC: fin@mobilizationoffice.com@inetgw Ronald W. Baldwin 509 Huntington Drive Greenwood, MO 64034 (816) 537–8323 E-Mail IBALD2AG@NETZERO.NET January 27, 2002 Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was pleased to learn that the Justice Department has reached a proposed settlement agreement in the Microsoft litigation. You now have the opportunity to clean up the mess created by your predecessor. Microsoft was the target of this litigation because of its size and because of its great degree of success. Your implementation of this settlement will bring an end to the political witch-hunt. Microsoft has placed a number of concrete proposals on the table to resolve the case. They have agreed to changes in almost every aspect of their business operations, from pricing, to distribution, to system design. These changes, if implemented, should provide additional competitive opportunities for Microsoft's competitors and more choice for computer users.

Please go forward with the settlement and let Microsoft get back to business.

Sincerely,
Ronald W. Baldwin

MTC–00027430

From: Tanuj T
To: Microsoft ATR
Date: 1/28/02 12:20am
Subject: Microsoft Settlement

This is too easy a way out for Microsoft, predominantly because Microsoft has so much money, the charges Microsoft need to pay to settle its monopoly won't even scratch the company. This is meaningless because large companies will continue to get monopolies and pay them off without any problems. The settlement needs to go farther than that; to prevent large companies from getting away with monopolies easily.

In addition to it being too easy for large companies to get away with monopolies, other companies also bundle up their software, such as Apple. So in reality they are also cutting off the market because Apple requires you to purchase their software and hardware because it won't work any other way.

For example, the Mac Operating System obliges you to also buy a Mac printer, Mac compatible word processors, Mac games, Mac compatible browsers, etc.. They are cutting off the market from Microsoft and other companies, who can't put too much software on it because it's not compatible or else pay Apple to get it on. Because Microsoft doesn't want to waste their money, they just place it on their own OS. It's exactly the same idea: Microsoft bundles up Office and IE, just the same way Apple bundles up their software. However, if Apple receives the lawsuit, they will suffer a lot more than Microsoft, who won't get affected by the lawsuit because they have so much money.

(Tanuj)
CC: cyrusm@harker.org@inetgw

MTC–00027431

From: Dan Veditz

To: Microsoft ATR
Date: 1/28/02 12:22am
Subject: Microsoft Settlement

I object to the proposed settlement in the Microsoft anti-trust case. Please listen to the Attorneys General of the nine dissenting states and send this proposal back to the drawing board.

Even on the surface the settlement doesn't go far enough, but worse it's full of the sorts of loopholes that Microsoft abused to make the 1995 consent decree effectively meaningless.

-Daniel Veditz

MTC–00027432

From: Ray G Spangler
To: Microsoft ATR
Date: 1/28/02 12:21am
Subject: microsoft settlement

Please expedite the settlement with microsoft. This unnecessary litigation has already cost us too much. Continuing the suit will only further damage our economy and delay further development of new technology for our future.

Ray Spangler—rayzzz@juno.com

MTC–00027433

From: Peter Hollings
To: Microsoft ATR
Date: 1/28/02 12:27am
Subject: Microsoft Settlement

I hold an advanced degree from the Sloan School of Management, Massachusetts Institute of Technology in the areas of information technology and finance. I have over 30 years experience in these fields, during which I have developed a deep understanding of the processes of competition and innovation in the computer software industry. I first became aware of Microsoft around 1982 and have been a constant observer of that company's business practices over the succeeding years. My purpose in writing is to express my opposition to the proposed settlement that has been reached by the US Department of Justice and Microsoft concerning their antitrust suit. Not being trained in the formalities of the legal profession, I am writing nevertheless in the hopes that you will take notice of my objections as an American citizen, affected by this settlement, and despite their probable formal incorrectness. I make this expression on my personal behalf, although I firmly believe it also reflects the interests of the businesses that I have presently or formerly been associated with in either employment or consulting roles. I firmly believe and respectfully request that the Court consider:

1. That as a past and potential future purchaser of Microsoft products, and as user of computing systems generally, that no aspect of the proposed settlement is in my interest.

2. That I firmly believe that approval by the Court of the proposed settlement would be bad for consumers, bad for business, bad for innovation, bad for the beneficial functioning of market economics, bad for constitutional rights, such as privacy and security, and it would materially and adversely impair the public's perception of government integrity.

3. I state my belief that the proposed settlement is so thoroughly flawed in every aspect that I respectfully request that the Court reject it from further consideration.

4. I respectfully request that the court give full consideration to the filing by the American Antitrust Institute captioned as COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. This complaint sets forth numerous instances in which both the DOJ and Microsoft have failed to comply with specific disclosure requirements of the Antitrust Procedures and Penalties Act (''Tunney Act''). Most importantly are the failure of the DOJ to provide an accounting of how the settlement reached is in the public interest and the failure of Microsoft to fully identify its contacts with the government relative to the settlement. I will note here that the public press includes numerous articles relative to Microsoft's lobbying activities relevant to the antitrust settlement decision, none of which were included as required in Microsoft's report in compliance of the reporting requirement. This combination of circumstances gives the appearance that the public institutions of the American people are being manipulated against their interests and in a concealed way.

5. I respectfully request that the Court give full consideration to these circumstances identified above and fully investigate and correct any improprieties in the functioning of our government in the interest of preserving the American people's confidence in both the Executive and Judicial branches of our government. The proposed settlement is such an egregiously bad agreement and so contrary to the public interest that I cannot conceive that it was honestly arrived at.

Thank you,
Peter Hollings
Atlanta, GA 30342
phollings@alum.mit.edu

MTC–00027434

From: Richard Frick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:20am
Subject: Microsoft Settlement January 27, 2002 Dear Judge Kollar-Kotelly,

It is my understanding that over the past three years every federal court that has reviewed the Microsoft antitrust case has found that Microsoft repeatedly and aggressively violated U.S. antitrust laws and was liable for its illegal conduct. Most recently, a U.S. Court of Appeals ruled unanimously that Microsoft had clearly violated antitrust laws and that any government settlement with Microsoft, in order to protect other members of the technology community and the larger public, must have three key elements:

1. Terminate Microsoft's illegal monopoly,

2. Deny to Microsoft the fruits of its past violations, and

3. Prevent any future anticompetitive activity.

It is further my understanding that the Proposed Final Judgment fails to meet any of the three standards established by the court.

My experience with Anti-Trust and Nintendo certainly influence my feelings about this Microsoft's situation.

After four years of preparation for a trial, we settled out of court with Nintendo on the advice of our Anti-Trust council (Joe Alioto). He said that the current Anti-Trust climate let any business do anything they wished including breaking Anti-Trust law as long as it made ''business sense''. As a result my company, which held a valid US patent for technology making our products legal and compatible with Nintendo's game unit, died and left over 300 employees without United States based cartridge design, development and assembly work. The story of my company was featured in the PBS series ''Losing the War with Japan''. This story won an Emmy for investigative reporting.

By not enforcing Anti-Trust laws, Microsoft will continue to do the same to other companies as happened to my employees and our company. I am sure, however, that Sun, AOL, Oracle and many others, in Microsoft's position would act in exactly the same manner. I don't want Microsoft to be replace by Sun, AOL or Oracle as the reigning monopoly. I simply believe Anti-Trust laws must uniformly and vigorously enforced!!

I work with people who absolutely ''hate'' Microsoft. They believe everone who works for Microsoft are losers. It is a ''religious'' thing similar to what Mac owners feel about Apple. At another small software firm I worked for, we were always panicked that Microsoft would eliminate the need for our software by baking it's capabilities into the operating system. Our original product was only available on the Mac. We were very cautious with Microsoft ''evangelists'' who visited and encouraged the development of a Windows version. They wanted to ''assist'' us in the development. We didn't trust Microsoft and figured they wanted to understand our code for their own purposes. I would like to see Microsoft punished more severely than what seems to be happening but I do not want them destroyed. I do not believe they need to be broken up. I would like to see most of the $36 billion they have in cash taken away and spent enforcing the court ordered three key element mentioned above. This would send a strong message to companies similar to Microsoft that Anti-Trust laws must be observed.

If Microsoft had to make the ''Windows'' operating system public domain, be paid a royalty for each copy used ($20.00), other innovative companies could flourish and Microsoft would continue to be strong and powerful. I personally like Microsoft products. They have brought stability to an otherwise fragmented platform market.

Knowing that this document is of public record, causes me some fear. This fear is based on the fact that I earn my living in the software industry. Should I become the target of Microsoft rage for writing this, I could be deprived of my ability to earn a living. It is my strong belief that this is public disclosure is seriously limiting other of my collegues writing to you.

Best Regards in a very difficult decision and thank you for reading this e-mail.

Richard Frick
richardf@clickaction.com
CC: Richard Frick,'microsoftcomments (a)doj.ca.gov''

MTC–00027435

From: Robert Chang

To: Microsoft ATR
Date: 1/28/02 12:25am
Subject: Judge Kollar-Kotally, Judge Kollar-Kotally,

As a member of the high tech industry for a number of years, I wish to voice my objection to the proposed final judgment in the U.S. vs. Microsoft case. Microsoft has used its Windows operating system monopoly to bully other software and hardware companies, and every court has ruled that they have violated anti-trust laws. However, the proposed settlement allows Microsoft to retain virtually all the profits it made illegally. Microsoft would be the winner if this case resulted in business as usual, yet that is precisely what the proposed final judgment is considering. There must be assurances that Microsoft's anti-competitive activities will cease.

Respectfully,
Robert K. Chang

MTC–00027436

From: Keith E. Folsom
To: Microsoft ATR
Date: 1/28/02 12:27am
Subject: Microsoft Settlement To whom it may concern,

My name is Keith Folsom. I am the Director of Systems and Communications at Pacific Lutheran University in Tacoma, Washington. I have been a computer professional since my graduation from college with a Bachelor's degree in Computer Science in 1981. I have had many roles in the field, including Software Engineer, Programmer, Systems Administrator, and manager. My desire to stay current in a field I really enjoy convinced me to enter an evening Master's program in Computer Science and Engineering at the University of Washington in 1999. I completed this program last month, graduating with a Master's degree.

I am writing this letter in order to urge you to consider more far-reaching sanctions against Microsoft than those proposed, which I feel is justified in light of the conclusion that the company is a monopoly. It is my opinion that the sanctions as proposed will do little or nothing to prevent Microsoft from continuing to use their monopoly power to crush competition and true innovation in the computing industry.

I do not believe in a government that unnecessarily interferes in the matters of industry. Free enterprise and capitalism normally self-regulate. But when a company grows too large and is no longer subject to the normal laws of economics, a government has the duty to reign this company in. As I've watched Microsoft gain a strangle-hold on the computing industry, I've also seen my choice of products and solutions dwindle. It frankly scares me. And Microsoft's latest attempt to control the Internet with their .NET initiative convinces me that they have not learned any lessons from the long battle against the Justice Department in the anti-trust case. They are determined to own it all.

Once again, I urge you to consider stronger measures against Microsoft, up to and including splitting the company into smaller, more fairly competitive units. I believe such measures are the only way to prevent the computing industry from sinking into a mire of mediocrity, with no true choice of solutions for computing problems. This is what monopolies do unless they are stopped. Please stop Microsoft.

Sincerely,
Keith Folsom
Director, Systems & Communications √ folsom@journeyman.org
Pacific Lutheran University √ WWW—http://www.plu.edu/folsomke
Tacoma, Washington √ PGP—<homepage>/pgp.txt

MTC–00027437

From: Alen Shapiro
To: Microsoft ATR
Date: 1/28/02 12:28am
Subject: Microsoft Settlement

The proposed Microsoft settlement is a BAD idea. I'm a computer professional. I am a partner and co-founder of Softek Partners Inc. (http://www.softekpartners.com). I develop portable software that runs on Windows, UNIX and Macintosh. Time and again I've seen Microsoft produce software that adheres to standards, gain market share and then subtly ''extend'' the standard to provide ''new facility''. Trouble is the ''new facility'' will only run under Microsoft operating systems which means that software developed using the ''new facility'' is no longer portable.

This is a monopolistic tactic of the worst kind. Subtly locking software development into the Microsoft supported platforms. The initial software developers are seduced by the recommended ''new facility'' and can hit 95% of their market with the product they develop thus perpetuating the monopoly and making it harder to jump the hurdle that would allow software developer to port their software to other operating system (i.e. non Microsoft operating systems).

For examples of this behavior just look at the Microsoft Visual C++ programming suite. Look at the extensions to the ANSI standard. Other compiler producers (e.g. Metrowerks) have to support Microsoft's non-portable extensions to sell their competing products, and that's just on the Windows platform. What about UNIX and Macintosh. These other platforms should be encouraged as an alternative to the monopoly. The current settlement does nothing significant in this regard. Microsoft need to be prevented from extending standards without providing timely support for competing products in the areas they dominate. Microsoft are just too big for other industry participants to do anything other than roll over when threatened.

Another example is the treatment of Sun's Java (dutifully extended by Microsoft).

How about ''.net'' which is a ''new'' spin on an old (portability) idea. Why do I need to be tied to Microsoft services to take advantage of it. I do not trust Microsoft to allow competition in this area. They must be required to release all API specs. (including file formats) to all who request them with sufficient time to take advantage of the specs. Microsoft should not be allowed to own this resource. Once again, they are too big and will stifle innovation and the general commerce that would have resulted.

The Internet is a public resource, it should be protected. No one company should be in a position to own it or it's resources. For example, Microsoft is in a good position to implement ''extensions'' to the TCP-IP protocol to, say, ''save the net'' from its security vulnerabilities. It is a logical step for them to take. Perhaps not now but soon. Once those new TCP-IP stacks are distributed (only on Microsoft platforms of course), interoperability with other platforms would be denied at a fundamental networking level. Currently Microsoft selectively target competing technologies by adding them to exclusions in their ''terms of use'' license. They should be stopped from doing this. Specifically, I should be able to run Microsoft products in whatever emulators I choose, without Microsoft being allowed to stipulate within which virtual environment they may run. This will prevent Microsoft from limiting their software to only run in the environments they sanction and should help limit Microsoft's monopoly. Of course, the above preventive measure only works if Microsoft actually publish their APIs and file formats and, if there are any independent developers left to use these specs.

You have the chance to set a line in the sand. Don't back down now, not after all the hard work you've done. Put enforceable limitations on Microsoft's business practices in place now and then enforce them when Microsoft test how far they can go and how far you are prepared to go to stop them.

Your current (proposed) settlement has already been marginalized. Do you really want to have to do this whole thing over again in a year when Microsoft feel comfortable enough to pretend your definitions are no longer applicable? What remedies will you be able to enforce?

Alen Shapiro
CTO Softek Partners Inc.

I was just trying to turn my SPARC into a FLAME and I Carbonised it!!

MTC–00027438

From: david@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 12:29am
Subject: Microsoft Settlement

I respectfully submit you do not accept the Microsoft settlement. While I have not been a Systems Admin. for over ten years now, I can state with some certainty the tactics I have seen used by Microsoft are not normally innovative, but rather monopolistic. At one time Microsoft had competition in all areas (Lotus comes to mind the quickest), but in any area Microsoft wanted to own the market, the competition usually was squeezed out, often by the use of vague, or changing standards within their operating system. I saw this same technique brought out again with the idea of placing ''free'' computers and software in schools. This solution would basically have the US government assist Microsoft in their attempt to force Apple out of the schools, allowing Microsoft to monopolize even the educational system.

PLEASE don't take the easy way out of this one! I have the opinion, as simplistic as it may sound, that Mr. Gates was so arrogant on

the witness stand because he had little fear of even the United States Government. His product was in most government offices and all he had to do was threaten national security with the threat of total economic and governmental collapse if Microsoft was broken up, but I fear it may well be the other way around. It may well be Microsoft's products which some day bring a collapse of the US economy—or worse.

I am sorry I have no ''hard evidence'' to point to, but to those who have watched, Microsoft's intent has been clear nearly since the first contract with IBM: ''assimilate or exterminate'' could well have been their battle cry as they attempted to own a piece of every desktop in the world.

Please do not allow the US Government to assist Microsoft in their growing monopoly... Please do not settle with Microsoft according to the latest terms.

Respectfully,

David Roberts (Diagnostics Software Engineer)
47 King Street
Nashua, NH 03060
David Roberts @ Home
Email: roberts@speakeasy.org

MTC–00027439

From: Andrew Schaaf
To: Microsoft ATR
Date: 1/28/02 12:29am
Subject: Microsoft Settlement To the Department of Justice:

The current proposal for the Microsoft settlement does not do enough to prevent Microsoft from staying a monopoly in the computer industry. 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 will stop them.

Microsoft should be forced to release the specification to their file formats (Word, PowerPoint, etc). This would allow other companies and people to create programs that could read and write to formats that currently only Microsoft fully knows, thereby promoting competition. As a user, I am annoyed when I receive a Word attachment from someone, because I have to ask them to send it again in some ''open'' format such as RTF, or open it in a program that attempts to read Word files, but can't do it very well.

Please ensure that a settlement not only punishes Microsoft for their anti-competitive behavior, but also prevents FUTURE anti-competitive behavior. Microsoft will continually test their limits with authorities, and if their acts go unpunished by those in charge, they will continue to act the way the have, only this time they will push their limits even more. Microsoft did not become #1 because of their ''quality software.'' they became #1 by intimidation and brute force.

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.

Andrew Schaaf
New York

MTC–00027440

From: Ranger
To: Microsoft ATR
Date: 1/28/02 12:31am
Subject: Microsoft Settlement

I am extremely disappointed in the Department of Justice settlement with Microsoft. This seems more a issue of the Government having been asleep at the switch while Microsoft honed its skills in predatory tactics and built a monopoly. Now the Government cannot find an appropriate remedy in order to reintroduce constrictive competition into the PC software industry.

It is not too late for the Government to stand up to Microsoft and do the right thing. There is enough information from the existing facts in evidence to force Microsoft the step back from monopolistic practices.

As for the proposed settlement, it isn't just me and most of the World (both free market and not), that consider the DOJ settlement to be a bad joke, but it also of the view of your coplaintives who have decided to continue the case on their own.

As a taxpayer, I find it miserable that my hard earned money can't buy me better representation against the big guy. You are cowards for not standing up to be counted. Hide your inferiority behind a faceless bureaucracy.

Do the right thing, punish Microsoft so that this doesn't happen again, and restore an innovative free market.

Stuart Simpson

MTC–00027441

From: James Tracy, Ph.D.
To: Microsoft ATR
Date: 1/28/02 12:31am
Subject: Microsoft Settlement

Please settle the Microsoft Case. It seems clear to me and many of my friends that the settlement is in the public interest. Only competitors can level the specious argument that Microsoft's innovation is an antitrust violation. Let's compete in the market place rather than litigate in the courts.

Dr. Jim Tracy

MTC–00027442

From: Kevin Bullock
To: Microsoft ATR
Date: 1/28/02 12:35am
Subject: Microsoft Settlement To whom it may concern:

The proposed settlement with Microsoft is woefully inadequate. It will not change their behavior as a corporation nor provide any meaningful benefit to the public interest. Please refer to Dan Kegel's comments at the following address:

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

Also please take into consideration Ralph Nader and James Love's comments at: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thank you.

—

Pacem in terris / Mir / Shanti / Salaam / Heiwa

Kevin R. Bullock

MTC–00027443

From: David Fetrow
To: Microsoft ATR
Date: 1/28/02 12:32am
Subject: Microsoft Settlement

I have been a programmer for slightly longer than Microsoft has been in existence. I have used many of their products from CP/M Microsoft Basic onward through Office XP. I have a great deal of respect for the company but believe they will absolutely take advantgae of every legal, or remotely argueable legal, maneuver they can think of to expand Microsoft beyond its current desktop monopoly and they think very well.

They remind me of IBM in the early 80's that used its legal limits as a weapon (e.g. The famous IBM confidentially agreement. I may have signed one of these. I can't tell you. If we had a meeting, the IBM rep could have recorded it on video and showed it on TV).

In the past Microsoft has defined words as they see fit: Make a network browser part of the OS and they can bundle it (even if they also make it available on other operating systems such as MacOS and Solaris). This was a redefinition of what is usually called an operating system (as an aside: Notice they didn't include the profitable Office in that redefinition). In the early days of Windows NT, Steve Ballmer claimed NT Workstation and NT Server were different architectures. This is true only if you allow a couple dll's and some settings to constitute a different architecture. Not the usual definition.

My understanding is that Microsoft defines certain terms in the current proposal and that they must make public certain API's (defined by Microsoft) to competitors (also definited by Microsoft). I believe allowing them to define what constitutes the Windows API is a fundemental flaw. What is Windows? If the browser isn't part of the WindowsOS after all but all the internet functionality is folded into the browser code, can they keep the internet API's secret? What if they rename Windows ''Doors''? How far can Windows morf before it is no longer covered? Is .net fundementally different from Windows?

I believe allowing them to define what a competitor is, is worse. Was Netscape a competitor? They admitted it was a threat but was it a competitor? Is Linux a competitor? Linux isn't even a company but a loose federation of sometime warring tribes. The public line is Linux is a niche OS, internally the infamous Halloween Documents show some real worry and preperations for battles: technical, legal and PR. Under this proposal Microsoft is thus able to provide huge barries to entry.

As a monopoly Microsoft can smoother innovations it isn't ready for by using these techniques to make the innovation unworkable in Windows until Microsoft can ''innovate in'' something they themselves own.... later on. Delaying rather speeding innovation. This is not (in my opinion) in the public interest.

David Fetrow
fetrow@apl.washington.edu/dfetrow@scn.org

My opinions are my own and may not be those of my employer.

(206) 850–3381

MTC–00027444

From: Doug Mitchell

To: Microsoft ATR
Date: 1/28/02 12:33am
Subject: Microsoft Settlement

In summary, I think this settlement is a bad one.

The longer version is that this settlement has one major loophole that jumps out to anyone who understands the first thing about the current state and near-term future of computing. Given the success that Microsoft has had in the past in twisting consent decrees, there are likely several other that are malleable to Microsoft's long-term plans. The major loophole is the provision which gives Microsoft control over information flow for the purposes of ''security'' and ''authentication/authorization'', among others. The next generation of Microsoft technologies (known as .NET) are distributed technologies that are totally reliant upon security and authentication. Any delay on information flow will damage, possibly irreparably, any possible competitive software. Without information from Microsoft, any work to reverse-engineer protocols would be a violation of federal law under the DMCA. Providing the legal cover for Microsoft to justify delays will provide Microsoft a window of opportunity to provide a competitive, bundled solution to undercut third-party software. It is quite frankly astounding that a provision that is this damaging to non-Microsoft software could even be considered minimally effective by someone versed in the software industry.

There are, in fact, several ways to fix this flaw. The simplest way would be to strike Section J in its entirety, but this would merely leave the rest of the hidden flaws. Another option would be for the federal government to simply drop the case, despite its victory in both trial and appelate court. This would go back to the status quo prior to the anti-trust action, but it would have the benefit of not providing legal cover for Microsoft to delay information. A far better solution would be to rewrite the entire solution to incorporate three features. First, reasonable and non-discriminatory licensing of the operating system to any and all vendors at equivalent pricing. Second, all API's for the operating system must be fully and openly documented, with no exceptions. This would protect the underlying source code of Microsoft and would encourage Microsoft to remove bundled features not essential to the core operation and therefore open the door for realistic competition. Third, full and open documentation of all data file formats. With these three components, Microsoft would be able to compete to the best of its ability, and third-party software would be able to do the same.

Doug Mitchell
Madison, AL

MTC–00027445

From: Robert A. Lentz
To: Microsoft ATR
Date: 1/28/02 12:37am
Subject: Microsoft Settlement To Whom it May Concern:

I am writing to exercise my right under the Tunney Act to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I have been a using computers since the age of fifteen, when my parents got one at home. Since then I have been a continuous user of computers as a consumer, and based upon this experience I am opposed to the proposed settlement.

Over the past eightteen years I have seen many innovative and useful software programs be released by many different companies, and have been a satisfied customer of several of these companies.

Unfortunately, the lifespan of these companies has not been great. What I have seen repeatedly is that once their product becomes popular, Microsoft will copy its functionality into its products, Office and/or Windows, and the company will steadily lose customers.

So, what I have repeatedly seen is that my choice as a consumer has been diminished by the predatory practices of which Microsoft has been found guilty. To me, the proposed settlement has far too many conditions exempting Microsoft's behavior under certain conditions. This does nothing to improve my choice as a consumer in those areas. Nor do I see how this remedy allows for a climate in which new companies have air to breathe. As has been reported in the mainstream press, all venture capitalists ask potential software startups about how Microsoft competes (currently) in their area and what their plan is if Microsoft gets interested in the startup's area.

We have seen, in the instance of the web browser wars, how Microsoft will ruthlessly use any tactic to gain control of popular markets. While we are a free capitalist society, we do believe in fair competition, including anti-dumping statutes. Microsoft's size and resources, plus their desktop and ''office productivity'' monopoly allow them to unfairly tie and bundle, often ''dumping'' the product on the market at a great loss. As a consumer I feel this must be corrected.

Lastly, I must wonder about Microsoft's need to tie all this software into Windows. I thought Windows was merely the operating system. My understanding of a computer operating system is that it is supposed to provide the fundamental management of and interaction with the hardware that applications require. Thus, it seems to me that when Microsoft ties a software application to Windows, it is perverting what an operating system is supposed to be. I don't see merely bundling applications as ''innovation'', but rather as a marketing tactic in which Microsoft is abusing its monopolistic position.

Thank you for your time and attention.
Sincerely,
Robert A. Lentz
2200 Columbia Pike #513
Arlington, VA 22204
703–892–4308

MTC–00027446

From: Steve Thom
To: Microsoft ATR
Date: 1/28/02 12:53am
Subject: Microsoft Anti-Trust case

I respectfully ask that the proposed settlement be set aside, and the entire case be re-thought in light of continuing, dare I say increasing anti-competitive practices by the defendant.

History will regard this legal event as a watershed for Microsoft's goal of global information technology domination. Your decision in this matter will be either a textbook case for proper, restrained government intervention, or a case for the largest pass given in history. If the former is chosen, the climate will be shifted in favor of balance. If the latter is decided, Microsoft will be emboldened further. It may not be possible to have a case of this nature again.

Thank You,
Steven G. Thom
32 North 12th Street
Saint Charles, IL 60174–1725

MTC–00027447

From: Margaret C Worsham
To: Microsoft ATR
Date: 1/28/02 12:37am
Subject: Microsoft Settlement

I, Margaret C. Worsham, strongly urge the Justice Department to accept the Microsoft Settlement. The consumer interest has been well served and the time has come to end this costly and damaging litigation

MTC–00027448

From: Sean Turner
To: Microsoft ATR
Date: 1/28/02 12:39am
Subject: Microsoft Settlement

While Microsoft can be considered a monopoly, should they be punished for this? I used to be a Netscape User; then, when Internet Explorer 3 was released, I tried using it and found it to be substandard and buggy. As a result, I continued to use Netscape. Then, with Microsoft's release of IE 4, I found it to be much faster, more stable, and more feature complete then Netscape, and decided to switch browsers, not because it came bundled with my operating system, but because it was a superior program Microsoft ultimately developed a technologically superior product, is it not logical that people would then use it instead of Netscape? Should they be punished for this? Can you legally punish a company because they are successful? Microsoft integrated its browser to provide a better product for the consumer. They are in no way inhibiting Netscape's ability to accept. They in no way impede a user's ability to download Netscape and use it. Even AOL Time Warner believes IE is a superior browser. In their own AOL browser, they use the IE browser instead of Netscape. Success is not a crime.

Should they be punished for bundling their browser with Windows? Now, the browser is tightly integrated with almost all features of Windows. It is virtually impossible to separate the two. Every time you open ''My Computer,'' view a help file, open Word, boot, or even view your desktop, you are using Internet Explorer. Back when Windows 3.1 was popular, IE didn't exist, and, users used a much more cumbersome and buggy interface to navigate files. Now, instead of using 2 different applications for folder browsing and web viewing, Microsoft integrated the two programs, in effect speeding up overall system performance and reliability. Furthermore, it also helps new computer users to ''get online'' without having to go through complex processes to

install a browser. Now, all someone has to do is boot their computer, and they have all the software they need to connect to the internet. Should Microsoft be punished for enabling people such as my mother to effectively use a computer? If yes, then why not punish Apple? They have much the same approach. Apple controls the all the hardware used on their computers, and install Apple's own programs by default in an attempt to simplify setup for users, thus allowing the computer illiterate to use a computer without having to have a tech-savvy friend set it up for them. This strategy of simplification is used throughout the industry, why should only Microsoft be punished for it? You cannot separate Microsoft because everything is so tightly integrated, Microsoft is nothing without this integration, much like Apple is nothing without their tight integration of software and hardware. This is the direction the entire industry has taken, should we thus turn the clock back on the computer industry?

It is not the government's job to police the computer industry. Before the government tries to break up private monopolies, they should abolish their own. For example the US Postal Service was, for a long time, the only way to send mail, and thus, it had to reason to improve its services and was notoriously slow. With the advent of FedEx and UPS, the postal service has improved its service, but still is loosing market share because other carriers offer a better product. And now the government is trying to make taxpayers pay for its failure by trying to tax email. It is not the government's job to police private industry and punish companies for their success. For example, the government split the Bell phone companies, and at the time, many people reported even worse service then when they were a single company, hardly a win for consumers. I ask that the federal government and states drop all charges against Microsoft.

Sean Turner
Sales Representative
Rowena's Designs
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MTC–00027449

From: Oz Suguitan
To: Microsoft ATR
Date: 1/3/02 12:41am
Subject: Microsoft Settlement

Please, please, please, do not let Microsoft get away with beating up the market. Don't let them continue to bully us into following their corporate strategy. I'd like to one day have a choice for word processors, choose a non-Microsoft product, and be assured that my documents and applications will work correctly. I'd like for Apple to have a serious chance at putting out a secondary OS, without fearing the loss of MS Office for Macintosh. I'd like to know that Microsoft's products, if I choose them, have been well tested by Microsoft, because of competitive pressures, instead of the current system where I'm forced to buy the damn software whether it's buggy or not, because ALL the applications I use (which are probably owned by Microsoft) will require an upgrade. There's no competition, because they were allowed to kill or brutalize their competitors unfairly. YOU NEED TO MAKE THEM PAY FOR PAST MISTAKES TOO. I know that this case only focuses on the Netscape stuff, but don't forget what happened to Novell, Borland, and others. They need to be broken up. This is the best way to get them to follow the rules and play fair!

This settlement stinks. Donations of THEIR software and hardware to charities only propagates use of their software and hardware. You are just giving them what they want. I'm disgusted.

Oz Suguitan

MTC–00027450

From: J. Scott Edwards
To: Microsoft ATR
Date: 1/28/02 12:41am
Subject: Microsoft Settlement

Hello,

I wanted to submit my comments on the proposed Microsoft settlement. I am very much opposed to the settlement. I don't feel that it goes far enough to restore competition in the computer industry. I am much more impressed by the 9 dissenting states proposal, and I beg you to reject the current settlement and back the remaining states.

First of all I feel that the settlement was prompted by the Bush administration and therefore it was very much politically motivated. In my mind there is no way that this settlement would ever have happened under the Clinton administration. I also read that Microsoft donated far more money to the Republican party, and there is no doubt in my mind that they wanted to get Mr. Bush elected. I feel that the settlement should be rejected on this basis alone.

Second of all, Microsoft's monopoly has not been a benifit to the public. Since the trial began, a promising competitor to Microsoft (Be Inc. makers of the excellent BeOS) has gone out of business. This was no doubt due to Microsoft controlling the boot loader. While the settlement addresses the boot loader issue, I don't feel that it goes far enough to prevent future abuse. If I had my way I would force Microsoft to make all of their systems dual bootable by default. Linux is free, they should have to include it with Windows to give the public an option. Or better yet: make Microsoft pay to resurrect BeOS and include it on some computers systems.

Third, I have just discovered in the last few days that Microsoft has extended their monopoly in yet another way, right under your noses. There are now audio CD's on the market which will only play on computers with the Windows Operating Systems (for example the CD More Fast and Furious). This is an OUTRAGE!! There is no way that they should be allowed to sell CD's that are only playable on machines with Windows.

Another recent example is Microsoft suing Lindows, saying people will confuse Lindows OS with Windows XP. This is rediculous, it is obviously another attempt my Microsoft to quash a competitor.

I could go on, but I will end it here with a request to PLEASE reject the settlement. Thanks for your time.

James Scott Edwards
Salt Lake City, UT

Please note that I am not affiliated in any way with any of Microsoft's competitors. I am a software engineer and I have worked on and used many different computers systems in the last 25+ years. I have seen many abuses by Microsoft and I hope that you can stop them and restore competition in this industry.

CC:sedwards@qrwsoftware.com@inetgw

MTC–00027451

From: Christopher N. Deckard
To: Microsoft ATR
Date: 1/28/02 12:40am
Subject: Microsoft Settlement

Hello,

I am concerned about the settlement between the US Department of Justice and Microsoft Corporation. After years of court battles, depositions, shuffling of paper, it seems that we are no where near a settlement which will punish Microsoft for their monopolistic behavior, and we are no where near a settlement which will protect not only the Open Source community, but closed source corporations as well.

I am particularly concerned about the fact that there is nothing in the settlement which prevents, or punishes, Microsoft in the event that they ''sabotage'' Windows applications to not run properly on competing operating environments. Within the next few years, there will be many applications which have the ability to run Windows software, but not on a Microsoft Windows operating system. Particularly software from the Wine project. Microsoft is known for sabotaging software to not function as intended on competing products.

Take for instance Digital Research's DR-DOS operating system. (Digital Research's successor is Caldera). Microsoft added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. They are known for these kinds of practices, and if there is nothing in place to prevent them from doing it again, it will happen. In the case of the Wine project, this would completely put an end to any kind of functioning software which Microsoft didn't have under its monopolistic grip.

I strongly urge the US Department of Justice to take a better look at a proper settlement. One which will benefit not only the Open Source development community, but competing corportations as well. The DOJ has spent years trying to do the right thing... the DOJ should end it the right way.

Thank you,
Chris
Christopher N. Deckard
Lead Web Systems Developer
cnd@ecn.purdue.edu
Engineering Computer Network
http://www.ecn.purdue.edu/
Purdue University

MTC–00027452

From: ddj@aros.net@inetgw
To: Microsoft ATR

Date: 1/28/02 12:41am
Department Of Justice
Microsoft Case
Tunney Act comment
January 28, 2002

At the request of the DOJ, this Tunney Act comment is being submitted by email.

The Revised Proposed Final Judgment in U.S. vs. Microsoft is not in the publics best interest, because Microsoft's monopoly will remain intact.

Some concerns are:

1. The court has determined that Microsoft maintained its monopoly illegally, partly by overcharging consumers, worldwide. The United States taxpayers should not shoulder the burden for the expenses that Microsoft will incur to mitigate the illegal activity. Microsoft management and/or shareholders should pay the expenses, after taxes have been calculated. Will Microsoft be permitted to use the expenses incurred as a result of this settlement, to reduce taxable income?

2. Microsoft's illegal activities extend to most of its products, however, the Revised Proposed Final Judgment generally only addresses a type of product referred to as ''middleware''. Will there be further litigation that addresses the Operating System and other products?

3. The proposed resolutions may provide some relief for ten or twenty large companies, under licensing agreements, but Microsoft remains in control. How will small companies and not-for-profit organizations compete?

4. Most, if not all of Microsoft's ''inventions'', have come from competitors, or academic institutions funded, in part by the very consumers that Microsoft has exploited. Does the Revised Proposed Final Judgment change what was illegal and unethical in the past, into legal and accepted activities?

5. The damage done to consumers by this monopoly goes well beyond monetary damages. The restrictive way in which Microsoft constructs its products, makes it very difficult and expensive to use the full potential of a computer. The lost opportunities to gain new knowledge and abilities, are enormous to children and adults, especially to those that are monetarily disadvantaged. Will the Revised Proposed Final Judgment be a tool for widening the information divide?

6. Microsoft's model encourages monopoly by default. To share ideas with someone that uses Microsoft products it is easier and sometimes necessary to use Microsoft products. This isn't a technical requirement, it is deliberately enforced by Microsoft's business practices. If the Revised Proposed Final Judgment is adopted, will people still be obliged to purchase Microsoft products to communicate with people that only have Microsoft products?

7. Competition is an essential component of the United States economy. Without competition there is no way to set a fair value for products and services. By allowing Microsoft to continue controlling the computer software industry, it will not be possible to determine a fair value for the products and services that the software industry produces. If the Revised Proposed Final Judgment is accepted, what will stop Microsoft from pursuing its monopoly?

8. It seems unnatural for one company to control the tools of communication. Microsoft didn't invent; the computer, software, email, or the Internet. Yet, Microsoft has control, or, is pursuing control of all those and other communication tools. This control, which has been obtain by illegal activities, would not be palatable even if it had been obtained legally. If the Revised Proposed Final Judgment is approved will Microsoft still be permitted to control communication?

9. The Free Software (free as in free speech) and Open Source communities have a healthy amount of competition in each type of product that they produce. These communities are populated by talented professionals and, also, by those that are learning. If the environment that Microsoft participates in is healthy why is there no competition?

10. The founder of Microsoft, William Gates, has publicly referred to Free/Open Source software as a cancer. Some of the groups and individuals in Free Software/Open Source communities, feel that it is more important to help disadvantaged people, than to be paid for their time and expertise. Will Microsoft be allowed to destroy these communities?

Those are just a few of many concerns raised by the Revised Proposed Final Judgment in, U.S. vs. Microsoft This settlement was arrived at during a time of unprecedented grief and tragedy for the United States and World, following the events of September 11, 2001. Further pressure was put on those in the Judicial branch by President Bush, when he asked that this case be settled quickly. The terrorists should not be allowed to affect the good judgement of those that uphold the law.

The following is an example of misinformation that is present in this case:

Quoting from the Competitive Impact Statement, under, B. Factual Background, 1. Microsoft's Operating System Monopoly ''Microsoft has monopoly power in the market for Intel-compatible personal computer operating systems and undertook an extensive campaign of exclusionary acts to maintain its operating system monopoly. The relevant market for evaluating Microsoft's monopoly power is the licensing of all Intel-compatible personal computer operating systems worldwide. Intel-compatible personal computers are designed to function with Intel's 80x86 and successor families of microprocessors (or compatible microprocessors). Operating systems designed for Intel-compatible personal computers do not run on other personal computers, and operating systems designed for other personal computers do not run on Intel-compatible personal computers. Moreover, consumers are very reluctant to substitute away from Intel- compatible personal computers (for any reason, including an increase in operating system prices) because to do so would entail incurring substantial costs and would not result in a satisfactory substitute. Thus, a monopolist of operating systems for Intel-compatible personal computers can set and maintain the price of a license substantially above that which would be charged in a competitive market without losing so many customers as to make the action unprofitable.''

This statement comes to a correct conclusion, but the facts are wrong. Operating systems can and are built to run on a variety of microprocessors. Debian GNU/Linux supports several microprocessors. Microsoft makes huge profits, but has ignored the other microprocessor manufactures, probably because the profit margins wouldn't be as high. This practice may be good for Intel, but isn't good for Intel's competitors, and it isn't good for consumers. The reason everyone uses Microsoft products, is that Microsoft products will not communicate with other software. Microsoft and Intel don't have technically superior products, they are locked in a monopoly, that is driven by Microsoft's unwillingness to communicate.

The standards for formating documents, spreadsheets, etc., need to be in the public domain. We need to be able to communicate freely. The free market system needs to be dominated by healthy competition, not by monopolies.

The states that did not agree to the Proposed Final Judgment, have written a proposal that could break the monopoly that Microsoft holds. It is not the only possible solution. Any workable solution must remove control of the standards from Microsoft.

The Revised Proposed Final Judgment; is not in the publics best interest, will not remove the monopolist powers from Microsoft, will not provide justice for those that have been and are being harmed. I ask that Judge Colleen Kollar-Kotelly not accept the Revised Proposed Final Judgment.

Thank you for your consideration.
Douglas Jensen
South Jordan, Utah USA
computer user

MTC–00027453

From: Paul Shryer
To: Microsoft ATR
Date: 1/28/02 12:42am
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement between US DOJ and Microsoft.

I am a Information Technology Professional who works on a daily basis with Microsoft software and license agreements. There are many problems I have noticed with the Final Judgement proposed by the DOJ, I shall mention the two greatest issues I have with this settlement.

1. A provision is included to ''prevent Microsoft from using Anti-competitive practices against OEM who load competing practices.'' There is a big loophole in this provision unfortunately. It does not prevent Microsoft from charging a set price to all OEMs and then providing discounts and rebates to OEMs that sell only Microsoft products or that help Microsoft extend its monopoly into additional markets. Several companies currently use similar agreements and programs. It would take little effort for Microsoft to adopt similar practices.

2. This proposed final judgement does not seem to have any sort of enforcement. While it is true that the proposal calls for a three person panel to review the activities of Microsoft I seen nothing that empowers the panel to do anything more than recommend to Microsoft management. They do not seem to have any real power to overrule management and prevent

Microsoft from undertaking anti-competitive practices.

Paul Shryer
Network Technician
Duluth, MN

MTC–00027454

From: Stevens, Derek
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:43am
Subject: MICROSOFT SETTLEMENT

DR SIRS,

I HAVE BEEN WATCHING THE UNFOLDING OF THE MICROSOFT CASE AND I AM CONVINCED THEY HAVE BEEN RAILROADED. I THINK NOW IS THE TIME TO GET THIS THING BEHIND US, AS OUR COUNTRY IS ABOUT TO HEAD OUT OF RECESSION. AFTER WATCHING THE ENRON DEBACLE AND THE CS FIRST BOSTON ESCAPADE I CAN'T REALLY SEE WHAT MICROSOFT IS BEING PUNISHED FOR? SO I THINK THE SETTLEMENT IS A FAIR ONE AND LETS GET ON WITH OUR LIVES.

THANK YOU,
DEREK G. STEVENS

MTC–00027455

From: Brian Reed
To: Microsoft ATR
Date: 1/28/02 12:43am
Subject: Microsoft Settlement

Hello,

I write to comment on the proposed Microsoft settlement as a software programmer/consultant for the Windows platform for over 5 years (and for MS-DOS 10 years before that) In summary I feel the settlement is well intended but falls well short of appropriate action.

I don't suggest or desire radical action like splitting up the company or forcing release of their source code, and I'm not confident either would help the computing consumer anyways. For me, it's very much about fair marketing and advertising practicies. The settlement must be more forward looking. The harm done in the past by MS marketing, advertising, OEM deals, etc methods cannot be undone ... the question is where do we go from here, today. For the last couple years, the DOJ suit has forced them to tread lightly ... that in itself has been halfway helpful, thank you! MS must be relieved of power to regulate their OEM resellers and competition as they have done in the past. It is the resellers that can best customize systems for clients and move the state of the art of computer use ahead, now that there are many qualified personal & business OS options.

Attention must also be given to MS affiliations. Monopoly power can be abused here especially, for example the advertising of affiliates and 3rd parties embedded in every Windows install I've seen since Win95. Or especially the old MSN ''deal'' with new PCs... users committed to 3 years of MSN membership to get a rebate on the PC, only to find out that the MSN ISP usage is a horrible pain in the neck that they've contracted to for the full term. The new MSN deal is that it's free for a limited term (I believe 1 year), but what they don't tell us is that it's a *LIMITED* MSN connection (not the typical Windows OS DialUp!), and that it requires extra, custom MSN software which itself is practically unusable. Also, I believe the proposed settlement has many loopholes, with many due to insufficient definitions of terms like ''API''.

Thank you for the opportunity to submit my comments,

Brian G. Reed
Warren, MI 48088

MTC–00027456

From: Mark Hinds
To: Microsoft ATR
Date: 1/28/02 12:43am
Subject: Microsoft Settlement

The proposed settlement fails to restore or protect competition in the PC OS market place. It seems to legitimize MS's monopoly and places far to much discretion in MS's hands. One need only apply the following simple test. If MS agrees to something then it must be good for MS. MS has agreed to this settlement and therefore the settlement must be good for MS. If the settlement did protect and foster future competition then MS would not agree to it. It is simply a fact that MS will have to be ordered to do anything of substance to remedy its abuses. It is very disturbing that the DOJ has opted for expedience in place of justice and public benefit. With real competition the price of PC operating software would be 1/10th of today's MS prices, and quality (i.e. robustness and security) would be years ahead of MS's current quality.

MS used its PC OS dominance to extinguish Netscape. It has been found that this was done deliberately to protect its PC OS monopoly. MS must not be allowed to benefit from this illegal conduct and must be prevented from repeating such conduct in the future. The proposed settle makes no effort to deprive MS of any benefits it accrued as a result of illegal conduct, does nothing to mitigate the effects of the conduct, and makes only a sheepish effort to prevent it in the future.

I strongly urge the court to reject this settlement and hold proper public hearings to find an effective remedy. Further, I see the only effective and workable remedy to be structural. It will not be possible to enforce conduct remedies with MS. It has not worked in the past and will not work in the future.

Mark Hinds
Concerned US Citizen
Senior SW Engineer
Edmonds WA 98020

MTC–00027457

From: Suen Kit Chau (Jason)
To: Microsoft ATR
Date: 1/28/02 12:30am
Subject: Microsoft Settlement.

Dear U.S. Department of Justice

As I read from your website, the United States and Microsoft tentatively agreed to the entry of a revised proposed final judgment to resolve the United States'' civil antitrust case against Microsoft on November 6, 2001. I believe Microsoft is not guilty because of following points.

(1) In 1995 years, No one can believe computers can develop or improve that fast. Microsoft Internet Explorer Web browser combine with Windows operating system. However, it is just a part of system in operating system. And unfortunately, other co-operate such as Netscape also created same system. It will not be happened if US government can make a law especially for computer system.

(2) I believe it is only a kind business method. If other company can have that powerful to compete with Microsoft, Windows will not longer be the popular operating system anymore. Strongest company can earn more money than other. It is the rule in the business world.

(3) However, I think Microsoft should have partnerships with other company, such as Netscape, JAVA, Sun Microsystems. Seen that, customer can get more benefits.

thanks for reading my email.

Suen Kit, Chau

MTC–00027458

From: john paulson
To: Microsoft ATR
Date: 1/28/02 12:47am
Subject: Microsoft Settlement

Greetings,

I oppose the proposed settlement in the Microsoft anti-trust case for the following reasons:

The Microsoft Office suite is one reason for the entrenchment of the Windows operating system on personal computers. The lack of viable non-Microsoft equivalents to MS Office is one source of that entrenchment. Document formats are descriptions of the files produced by the Microsoft Office suite of products (MS Word, MS Excel, MS Powerpoint).

Document formats are distinct from APIs.

Nowhere is there a requirement that Microsoft document and freely disclose the document formats used by their office products.

Because the document formats are not available, developers of products wishing to inter-operate with or compete with those of Microsoft Office must reverse engineer the document format. Besides being time consuming, this is an error-prone process. The resulting products fail to work as well with the documents. In addition, changes made by Microsoft to those document formats when new versions of Microsoft products are released require non-Microsoft to once again perform reverse engineering. This delays the release of competing products, further cementing Microsoft's entrenchment in office productivity applications.

THEREFORE:

Microsoft must document the formats of files produced by their office productivity applications.

Microsoft must make that documentation freely available, so that non-Microsoft products can read and write documents produced by Microsoft's office productivity applications.

And, Microsoft must release the document format concurrently, if not prior to, the release of newer versions of Microsoft's office productivity applications.

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, ...''

(The above quotation is from http://www.pbs.org/cringely/pulpit/pulpit20011206.html) As that article states, Microsoft faces competition from open source software, such as Linux, FreeBSD and Samba. Microsoft should not be allowed to forbid disclosure to asymmetric threats to its dominance.

THEREFORE:

Microsoft should release the API, Documentation and Communications Protocols to all who ask, or make it freely available (by placing on their website, www.microsoft.com). This will in no way hinder Microsoft's ability to innovate and develop new products and combinations of products, but it will allow non-Microsoft developers to inter-operate with Microsoft products.

Microsoft has proposed deploying many millions of dollars worth of computers and (Microsoft) software to (K-12) schools. This should be rejected out of hand. Currently, the only meaningful competition Microsoft has in the K-12 education marketplace is Apple Computer. Were Microsoft to —sell— computers running Microsoft software to schools at discounts of 80 to 90%, it would be viewed as an anti-competitive action by a monopolist: dumping. Giving it away can only be worse, (mega-dumping?).

THEREFORE:

Microsoft should not be allowed to donate computers and software. If Microsoft wishes to aid schools in this wise, it may donate money and allow the educators to decide how to spend it on computers and software.

Sincerely,

John Paulson

MTC–00027459

From: Brendel, Gregory J
To: Microsoft ATR
Date; 1/28/02 12:51 am
Subject; Microsoft Settlement (Please Support)
January 16, 2002
Gregory Brendel
4650 Cole Avenue #326
Dallas, TX 75205–5547
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to take a moment to express my support for the recent settlement concluded between Microsoft and the Department of Justice. I believe this agreement is good for the computer industry and consumers in general. The settlement is comprehensive and requires many concessions from Microsoft. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. Also, Microsoft will be monitored under the agreement by a three-member Technical Committee to assure the company meets its obligations. This committee will also take complaints from any third party who feels Microsoft is not complying with any provision of the settlement. As a worker in the computer industry, I understand the importance of Microsoft to our industry and the entire economy. I also believe the government has more important matters to handle than to penalize a great American company such as Microsoft. Please focus my tax dollars on Homeland security and also on protecting U.S. Companies from illegal competition from foreign companies. Please look into tactics of the Japanese companies who control the fiat panel computer screen market.

In summary, I hope the federal government will continue to support the settlement and not reopen litigation.

Sincerely,

Gregory Brendel

MTC–00027460

From: Thomas J. Valerio
To: Microsoft ATR
Date: 1/28/02 12:51am
Subject: Microsoft Settlement

My name is Thomas Valerio. I've been a professional programmer for more than 20 years now, a large part of that spent as a systems programmer working on an operating system used by the University of Michigan. In the late 80's the University of Michigan made the determination that it was no longer in the best interest of the university to put a large amount of effort into operating system development and made a determined effort to migrate off of the operating system that it had helped develop. In the summer of 1996 that migration was substantially completed and the university ceased all non-comercial operating system operation and development. As an active developer of that operating system I was clearly at a crossroads in my career, in retrospect I realized that my concern for my future was not tied specifically to the operating system that I had spent so much of my professional life working with, but that I was unlikely to see the inside of another operating system unless I went to work for a commercial operating system company. After 20 years in a university environment, I felt that that was clearly an unlikely option. It was around this time that I discovered Linux. In the 6 years that have passed since then the computing landscape has changed dramatically. In particular Microsoft has developed from a major player into a monopoly and we have arrived at the point where it has no viable commercial competition. It does, however, have the possibility of some very serious competition in the form of Linux, and the support of the legions of individuals that quietly and persistently move Linux and other open source projects forward. In order for that competition to flourish however, it must have the blessing of the court. While I certainly am aware of the genesis of the current anti-trust case with respect to Netscape, the fact is that that particular battle has been lost and like Humpty Dumpty and the Kings Men, there is nothing that the court can do about it. So, to get to the heart of my point, the most disappointing aspect of the Proposed D.O.J. settlement is that when the possibility of serious competition from Linux and Open Source looks the most promising, the proposed settlement is silent with respect to non-comercial solutions, which are clearly the only real, viable competition in sight. There are clearly many other aspects of the proposed judgment that argue for it's rejection by the court and I would like to express my support for most of them as well. I accept the fact that this has been an extremely difficult case and a very drawn out process, however I think the court has an obligation to reject this proposed settlement and failure to reject it will have a serious, detrimental, and long lasting negative impact on the entire software business. I apologize for a less than elegant presentation of my argument, others have written far better on this subject than I, and I want to thank the court for considering my opinion.

Thomas Valerio

MTC–00027461

From: Eli Arnold
To: Microsoft ATR
Date: 1/28/02 12:53am
Subject: Anti-trust

I have just cancelled my AOL subscription upon learning that they had joined the attack on Microsoft. To create a product and sell it with conditions is neither immoral, nor illegal, and the Sherman anti-trust act is being once more used in a contradictory, unfair, and unjust manner. AOL has in no way been wronged by Microsoft and neither has Internet Explorer. I personally use microsoft products everyday, and they are well designed and quality products. Microsoft is the shining example of American productivity and achievement and is personally inspiring to me. It seems that the original American values, ingenuity, independence, economic and social freedom, are quickly being destroyed by overregulation, concern for the public good at the expense of the individual, and ''economic rights.'' Their is no right to a profit, nor to success, and the states and corporations suing Microsoft should take notice of the fact. Microsoft has never used physical coercion to pursue it's ''interests.'' The same cannot be said for the United States Government. I am an intelligent, competent and capable young man, but watching what's being done to Bill Gates I feel a hesitation to pursue achievements of my own in this nation. I could not keep quiet, as he has, and watch, while people who could not have written a single line of Explorer's code determine the future of his lifes work, of his personal achievements, and prevent him from being able to plan a single day ahead, as he cannot plan for the arbitrary whims of society. Someday, a nation will inherit the moral legacy which the founders of this nation reached nearest, and the productive and intelligent members of this society will desert. You read these letters, because the

opinions of the majority seem to be surpassing in importance the notion of individual rights. Its Socrates execution all over again.

Eli Arnold (503) 254 8513
15811 E. Burnside St. Portland OR 97233

MTC–00027462

From: shinpou@clubaa.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56am
Subject: Microsoft Settlement

Dear Sir:

If public profits are considered, Microsoft Corp. should provide ANSI with Windows 98, WindowsME, and Office2000, and it should withdraw them from the client market.

Sincerely

ASKA Intelligence Systems, Inc.
TEL 81–722–80–0918 / FAX 81–722–80–0917
e-mail:sympoe@askainfo.co.jp

MTC–00027463

From: Jeff Rehbein
To: Microsoft ATR
Date: 1/28/02 12:55am
Subject: Microsoft Settlement
January 27, 2002

To Whom it May Concern:

In accordance with the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe that there are many problems with the proposed settlement. As shown by Dan Kegel's open letter (http://www.kegel.com/remedy/remedy2.html), there are so many holes in the settlement that it is essentially useless. However, I will focus my comments on a specific group of actions by Microsoft that affect my work directly.

I work as a Macintosh game developer. My work entails both porting games originally written for the Microsoft Windows platform to run on the Macintosh platform, and writing original games for the Macintosh platform. In the following paragraphs, I will show how Microsoft's anticompetitive actions have harmed (and are continuing to harm) me, my company's customers, and the customers of virtually all developers of games for the Macintosh.

In 1992, OpenGL was introduced as an open standard application programming interface (API) for 2D and 3D graphics. Over the years, it has gained wide adoption by operating system vendors (OSV) and graphics sub-systems hardware vendors (GSHV). Seeing that adopting OpenGL would increase the number of games available for the Windows platform, Microsoft adopted it. However, Microsoft only adopted it because it didn't have a competing product.

As Microsoft has done time and time again, it quickly turned out it's own version of someone else's innovation. In this case (as in most cases), it's version (Direct3D) was nowhere near as good as the original. However, Microsoft tied it to Windows (still on the same pattern) and to its development environment and some developers used it. Recently, Direct3D has became good enough to compete with OpenGL. So what did Microsoft do? It removed OpenGL support from Windows XP before release—support that was already there. OpenGL can still be used, but the support has to be added by each GSHV, seriously complicating the situation.

Removal of OpenGL support from Windows harms several groups of people:

1. Developers who know and wish to use OpenGL in a Windows application.

2. Developers who want to write 3D (and 2D) applications that can be compiled for Windows and other operating systems from one codebase.

3. Developers who port applications originally written for Windows to run on other operating system (the original application may have been written with OpenGL under different circumstances, making it far easier to port)

4. In the long run, other OSVs that depend on OpenGL will likely be harmed. This is because usage of OpenGL will drop off, which will lead to a stagnation in the OpenGL standard.

As if removing OpenGL support from Windows wasn't enough, Microsoft recently purchased key patents from Silicon Graphics, Inc. that may give it even more ammunition against the competing, open standard. I can't say for sure what Microsoft will do with this new power, but given its past history I think it's a sure bet that it will be bad for OpenGL, and by extension, bad for developers and consumers. One company should not be able to so negatively affect an open standard. Unfortunately, the proposed settlement does nothing to prevent this sort of activity. Microsoft also hurts all developers who port Windows games to the Macintosh by keeping all DirectX APIs usable on Windows alone. Microsof routinely changes the API calls so that developers can't make a ''glue library'' (a glue library is used to easily convert calls to one API to calls to different API) that can keep being used in each new project. There is no need to so routinely change the actual interface calls of APIs. Other OSVs do everything they can to keep those calls the consistent. Doing otherwise would break compatibility and drive away developers. Only a company with a monopoly could do this and survive. One DirectX API in particular gives port developers trouble—DirectPlay. DirectPlay is an API that makes it relatively easy to add networking features to a game. Because of the lack of documentation of the internal message structure, any port of a game originally written using DirectPlay cannot communicate with the original version. This relegates users of the ported version to a second-class status. Although technically possible to reverse-engineer the protocol, Microsoft actively thwarts such attempts. The one known instance where the protocol was reverse-engineered and used in a product (which took 6 months), Microsoft promptly overhauled the protocol and released a new version which completely broke the compatibility. Microsoft's actions with the DirectX API serve solely to strengthen the applications barrier-to-entry, even at the expense of their own developers. Unfortunately, the proposed settlement does absolutely nothing to alleviate this or any problems concerning this barrier. The unfortunate truth of the matter is that there is no remedy for the above problems short of separating the OS business from the rest of Microsoft. As show in the previous reference to Dan Kegel's open letter and in my own, the proposed settlement will do little to limit Microsoft's anticompetitive behavior. It would be a grievous waste of taxpayer money if this settlement was the end result of the case. I implore you to reconsider this course of action.

Thank you for your time in considering this matter.

Sincerely,
Jeffrey Rehbein
Macintosh Games Developer

MTC–00027464

From: paul podnar
To: Microsoft ATR
Date: 1/28/02 12:56am
Subject: Microsoft settlement

I do not believe that the proposed remedies represent what is in the best interest of the people or the computer industry. My company has been damaged by the illegal workings of Microsoft and so have many others in the world.

The entire Apple computer platform and Motorola has been damaged by the monopolistic practices and pressure put on Apple to stop certain developments. Netscape went from a majority player in the browser field to a minority player and almost bankrupt. Java was corrupted by the efforts of Microsofts J++ development and not Microsoft is after the internet with their .Net strategy which was really built upon Netscapes efforts.

Microsofts efforts also misrepresent the stability and security of all their operating systems and application programs. Many individuals and businesses have been damaged due to lost work and downtime caused by the low quality standards of the Microsoft software.

My remedies would include:

1. A payment to Netscape/AOL for the market stolen by Microsofts free browser. This might be one half of current estimated Internet explorer users times about 29 dollars for the people that would have purchased a Netscape product.

2. A major free update of Windows 98 and the Office program which would run on the computers purchased by businesses in the 1998 year which would work as advertised and be much more stabile.

3. A payment made to Sun for damages done to the JAVA platform

4. A payment made to Apple computer for the damage to the internal development of software which is known in the industry including Quicktime and Apple Works.

5. The inclusion of Quicktime as the default Windows Media Player/ Authoring medium to generally further the multimedia capabilities of millions of Windows users.

6. The inclusion of firewire support on all Windows desktops to further the advance of this quality high speed Apple bus technology.

7. Finally, a public admission of guilt from Bill Gates as to his involvement in the above matters and a media broadcast of the trial findings and testimonies key industry and Microsoft personnel. I would find the truth of this case much more interesting than the

OJ Simpson trial and much more valuable to the industry, the populace and history.

Thank you for this forum to come forward and for a small part in the process of Justice.

Paul j. Podnar
President
Accommodata Corporation

MTC–00027465

From: Andy Cristina
To: Microsoft ATR
Date: 1/28/02 12:54am
Subject: Microsoft Settlement

To whom it may concern,

I apoligize for submiting this email so late, but I with to express my opinion that the proposed Microsoft Settlement is not sufficient to allow other companies to produce viable competing products. My main complaint is that Microsoft is not being asked to release the Microsoft Office document formats. In order for a competing product to have a chance, it must be able to let the user read and write Office files.

Andrew Cristina,
University of New Orleans,
Association of Computing Machinery Chair
Software Intern at Penta Corporation

MTC–00027466

From: Kent Rosenkoetter
To: Microsoft ATR
Date: 1/28/02 12:58am
Subject: Microsoft Settlement

As a graduate student in computer science (University of North Carolina—Chapel Hill) I cannot help but be aware of the Microsoft anti-trust case. And while I believe it to be one of the most important cases for the computer industry in years, I tend to avoid dwelling on it because all I can feel is frustration. Microsoft has:

1. Used their OS monopoly and OEM agreements to prevent any computer manufacturer from selling dual-boot systems, effectively killing BeOS and incredibly slowing the spread of other OSes, particularly Free Software and Open Source OSes.

2. Used their Windows OS to spread Internet Explorer and Outlook Express, making the entire world suceptible to hundreds of viruses that do not work on any other browser/email client. This costs American business alone billions of dollars every year.

3. Many other similarly disgusting actions I do not need to list because I know many of my colleagues have already done so in detail.

My frustration stems from the proposed settlement. First, that the breakup of Microsoft did not take place. Though I do not believe a mere two pieces would have been sufficient, it would at least have shown the public that the government is willing to mete out some serious punishment for such flagrantly illegal behavior. Second, that such a puny settlement would be proposed and even endorsed by members of the government. The settlement does not adequately restrict MS's future behavior, it leaves huge loopholes for exploitation, and it for the most part neglects the concept of compensation. While I believe the settlement may have been negotiated in good faith by the prosecutors, the final agreement does not account for the severity of the crimes or for MS's habit of exploitation and arrogance.

Actually, I do not believe that any settlement negotiated with Microsoft will be in the public interest. Microsoft's lawyers will not agree to anything that will seriously curtail MS's activities, and MS's activities are entirely centered around control of all aspects of computing. No, that is not an overzealous fanatical statement. That is a direct extrapolation of the past trends that led to MS's current monopolies in operating systems, office software, and web browsers, extended to current plans like .NET and subscription-based software licensing. Any final judgement capable of effectively affecting Microsoft will never be agreed to by Microsoft.

This email is meant to express extreme displeasure with the proposed settlement. It is not meant to offer possible alterations for the reason above. Though my original thought when I learned of the breakup Judge Jackson ordered was ''Three companies. Operating Systems, Applications, and Web Services.'' It seems that won't happen now. If you truly want an effective solution, force Microsoft to pay damages to every person and business that is a victim of a Microsoft-only virus. That will not eliminate their monopolies or promote competition for the future, but it will certainly take away their financial gain from their illegally acquired monopolies. It will also make the millions that have been victims of the serious problems in Microsoft software feel a little better.

Kent Rosenkoetter
Graduate Student
University of North Carolina at Chapel Hill

MTC–00027467

From: Eric Weeks
To: Microsoft ATR
Date: 1/28/02 12:59am
Subject: Microsoft Settlement

I wanted to take some time and proactively tell you that I am very disturbed at the proposed Microsoft settlement. Microsoft's actions have been devastating to many companies and in the industry and have significantly slowed innovation and progress. Their claims to the contrary are ludicrous upon a review of their effect on the industry.

I am particularly concerned about their Trojan horse of ''aid'' to schools by donation of hardware (compatible with Windows of course) and software (surely their proprietary software) which can be donated at a real cost which is a very, very small fraction of the retail cost. The beauty of this arrangement for Microsoft is that it also gives them a greater market share in the one area they don't have a monopoly—schools. Apple is reportedly running scared and they should be. It's a hidden coup for Microsoft. Microsoft has broken the law and despite their benefit to the American economy, there have been corresponding, huge, losses in jobs, smaller, innovative companies, and value to customers. Look at the price of Microsoft Office. Look at how inferior software (Windows and countless other pedestrian Microsoft products) has become the de facto standard when reasonably priced, superior products (Macintosh OS, Oracle, Linux, Alternate DOS providers) barely survive or are quashed, squeezed out, or bought out by Microsoft. They are a monopoly that hurts the industry. These are only a few of the issues.

Please don't let Microsoft slip away. They need a reasonable punishment and organizational solution that will stop the abuses they have perpetrated and continue to perpetrate.

Thanks for your time.
Eric Weeks
Salt Lake City, Utah

MTC–00027468

From: ajg407@casbah.it.northwestern.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 12:58am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

I feel that the proposed settlement with Microsoft does not prohibit Microsoft from continuing the anti-competative practices that that have been described in the finding of fact, and does not include sufficient remedies that are in consumer's best interest. Computers are a mainsay in the home, business, and research environments, and will only become more important in the future for increasing the quality of life in the United States. Allowing Microsoft to use its dominance in the these markets to maintain its position and stifle or buy-out competition is harmful to consumers and the economy by setting up large barriers for innovative software products to enter the markets. A satisfactory settlement must address these issues and have measures to monitor and significantly penalize Microsoft in ways other than giving away software for continuing the illegal practices that have been determined in the finding of fact.

Respectfully,
Aaron Gruber
Research Assistant
Northwestern University
2022 Colfax St Apt 2
Evanston IL 60202

MTC–00027469

From: David Joham
To: Microsoft ATR
Date: 1/28/02 1:01am

To whom it may concern,

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I have been a software developer working with Microsoft and its competitor's products for over ten years. During this time, I have personally witnessed many overt acts of anti-competitiveness by Microsoft that have directly harmed my clients. When Microsoft was found guilty of being a monopoly, I was optimistic that at last, this behavior would be ended.

Much to my disappointment, the proposed settlement will do little to change the behavior of this monopolist in my situation.

Specifically, since my company is a small solution provider, section III.B allows Microsoft to continue their threats of retaliation if my company so much as hosts a training seminar with one of their competitors. While my situation may be viewed as an issue with a small group of Microsoft representatives, I believe that this small group accurately reflects the culture of the company at large. This culture has directly cost my clients many thousands of dollars and will continue to do them harm well into the future if the proposed remedy is allowed to stand. Specifically, the proposed remedy does little to prevent Microsoft from bringing harm to my company if I propose solutions to my clients that involve non-Microsoft software, even when this software is cheaper, more suited to their task and more appropriate to their situation. In addition to the above concerns, I believe that the proposed settlement has other serious flaws as well. However, I felt it best if I focused on how the settlement impacted me directly and let others speak about the more general aspects of the settlement.

To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html . I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

Thank you for your time and attention in this matter. If there is any more information that I may provide to you to help you in your deliberations, please feel free to contact me.

Best regards,
David Joham

MTC–00027470

From: matchx70@hhotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:01am
Subject: Microsoft Settlement

A single minded focus of a great company like Microsoft—to simplify the computing experience, and making IT affordable to a common man—has really been a path breaking achievement of the 20th century. Any adverse judgement will only harm the end-consumer, who will be forced to cough up money for the most essential of features & innovations. Growth & well-being of Microsoft is essential to foster competition and health of IT industry not only in the US, but of the economy world-wide.

CC:matchx70@hhotmail.com@inetgw

MTC–00027471

From: George H. Darfus
To: Microsoft ATR
Date: 1/28/02 1:02am
Subject: MICROSOFT SETTLEMENT

Dear Sirs:

This E-mail is sent to urge you to hasten to a conclusion of the action against Microsoft. From what I have read on this matter, the tentative settlement which was reached some time ago seems like a reasonable approach.

As a consumer, I can very strongly state that I have not been hurt by Microsoft. Their products have been easy to use and are certainly fairly priced. As I understand, this area of law is supposed to protect consumers. The only way I have been hurt is that way too many of my tax dollars have been used to prosecute a company which, in my opinion, did not deserve prosecution.

Enough is enough. I thank you for taking the time to read my input.

Very respectfully,
George H. Darfus
LCDR, USN (Ret.)

MTC–00027472

From: Barton
To: Microsoft ATR
Date: 1/28/02 1:03am
Subject:
From: Tina Barton—Dighton, KS
Attorney Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

While we appreciate all the work that has been put into the Microsoft antitrust case, I think America certainly can benefit from the settlement of the Microsoft antitrust case. I understand that 30 million dollars have been spent thus far on this case. Let's not spend any more.

Please thoughtfully consider accepting this final judgment and end this antitrust case.

Sincerely,
Tina Barton

MTC–00027473

From: Aaron Nemetz
To: Microsoft ATR
Date: 1/28/02 1:08am
Subject: MIcrosoft Settlement

Hello, I'm Aaron Nemetz, a student in eight-grade attending The Harker School. This as you presume is a letter about the recent cases on Microsoft. First I would like to talk about Judge Jackson's decision to split the company into many pieces. This for one is a horrible idea because it could lead to many monopolies, where each part will already have a huge user base, which seems to be very loyal to Microsoft's product. The company is like a worm, when you cut a worm in half trying to kill it the results are completely different. Over time there are two worms!! This is the effect that could possibly happen if this action was taken. Now for the recent case, where Microsoft is being tried upon the idea that they are breaking the Antitrust Laws by making a trust with Internet Explorer. This case can be taken many ways. One thing comes to mind is John D. Rockefeller, a businessman who monopolized the oil industry by the late 1800?s. His strategies were quit different; he would change prices in certain locations to run out the competition in those sites. That strategy was only used if other small companies didn?t agree to join him in monopolization by handing over all there refineries for some price. Looking over the history Rockefeller's Standard Oil Company one can conclude he used trusts, just like Bill Gates has done. Yet while Rockefeller's company joined with other companies in the industry, Bill Gates merged with software to only improve his own OP's efficiency and user-friendliness. Looking over the case I have a few more opinions. First as others believe this is yet another case started by AOL/Time Warner to slow down and make money off of Microsoft. One way I believe all Internet access companies can compete would be through rebates. Both Apple and Microsoft should come with a rebate, which would work on many of qualified Internet applications. This way competition would be restored once again. Even though the public does not seem to care too much about this monopoly I have thought of a simple plan that would replace interest in buying the best product.

THANX,
Aaron Nemetz

MTC–00027474

From: Tonitrus
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement

I do not think the Microsoft settlement will help customers. Any reasonable solution must have ways for Windows programs to work on other Operating Systems, as Microsoft used its monopoly to get all of those programs over to the Windows platform. Also, the solution should allow users to choose what products they are purchasing, and not Microsoft. I personally believe that Microsoft should release the source code to Windows. This would allow the WINE (Wine Is Not an Emulator) project to fully emulated Windows, and allow Windows programs to run on anything that WINE itself will run on. This would also aptly punish Microsoft for its actions. The Windows source code should be put under the GNU Public License. This should be done for several reasons:

If Microsoft released Windows source code, they would immediately go back and start the same process over again, so that their next version could be properly rigged. (Undocumented APIs, for example). The GNU license would allow anyone to take any good points that Windows might have (I don't really know of any), and incorporate them into better things. Also, if the Windows code was under the GPL, Microsoft would have to release the source code with every release of Windows.

This would be the most effective way of shattering Microsoft's control of the OS market, and it would severely weaken them against their main competitor, Linux, which, due to the fact it lives off the GPL, would be able to appropriately absorb any necessary features that Windows could have. If the code were freely available, users would be able to decide for themselves what to get, by downloading the code, or getting it from a friend (legal under the GPL).

This is the most effective way of breaking Microsoft's monopoly on the OS market. Not only should the code be made available, but it should be GPL'd. The effects of this are very useful, and beneficial to everyone, except, of course, Microsoft. Also, the insult of having their OS GPL'd would put the message across very clearly to them.

excelsior,
Dustan Bower
315 Ladd rd.
Fishersville, VA
22939

MTC–00027475

From: PastorSmith@excite.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:03am
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,
Ken Smith
1223 Merry Brook Dr.
Kalamazoo, MI 49048

MTC–00027476

From: Michael L. Mitchell
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement ** Secret **

Hello,

I would like to provide my comment on the settlement that the Justice Department has entered in with Microsoft. I believe that the settlement is quite adequate. If anymore were to be done it has a reverse effect of harming the consumer (me). I think it is time that this matter be settle and the allow Microsoft and the Justice Department move forward.

Thank you
Michael L. Mitchell
Brandon, FL

MTC–00027477

From: James Carter
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement

DOJ,

The proposed settlement is NOT in the publich interest... it is ineffective and has large loopholes. My name is James Michael Carter. I am a real person working in the computer industry (programmer) who can tell story after story of microsoft abuses. I have followed and complained about Microsoft abuses since the early 90's (before much of their behavior was successfully brought to the attention of anti-trust enforcers). (real person in contrast to Microsoft's fraudulant 'astroturf'' fake citizen's responses which have been at least several times caught!) I am very much against the proposed settlement. It is not in the public interest. As a start, I advocate the changes proposed at: http://www.kegel.com/remedy/remedy2.html With further resources at: http://www.kegel.com/remedy/

Also I echo Ralph Nader's criticisms: http://www.cptech.org/at/ms/rnjl2kollarkoteltynov501.html

To highlight some general problems, there are not protections for Non-MS operating systems to get hold of technical interoperability details and API's in order to build compatible and/or competing products and systems. Further, MS should not be allowed to buy technology companies.., they absorb and kill off competition and gain beach-heads ensuring the next big thing will be in their controls—leveraged off their existing stranglehold and $36 billion bank account. Profits they did not mine from the ground, but taken off the backs of consumers!! Microsoft yells how all they want to do is innovate and compete .... yet their behaviour and snubbing of the law and our courts show their words are as trustworthy as their products'' security. Make MS publish any and ALL API's, protocols, and file formats 3 months before any distribution so others may compete with them (as they profess to want).

Prevent them from buying any other companies (to make them compete and —innovate— as they claim they want to do. Make them publish all their source code.

Microsoft wants to innovate— and —compete— ?? Well then make them do exactly that .... Microsoft's history shows they do all to NOT have to compete... So, let's finally make them do what they —CLAIM— is all they want to do .... The public interest requires it.

I also think microsoft should be broken up by product lines. Structural remedies are often only remedy to fix where company shows in its history to ignore consent decrees and have a penchant for not complying and for litigating (delaying until the damage is already done) (years and years now...).

I am a modestly self-employed programmer, who has personally suffered and seen the abuses at the hands of Microsoft. Please don't let the average folks down.

I would help you with new remedies or evaluation of such in any way I can.

sincerely,
James Carter
221 Hosea Ave. Apt. 2
Cincinnati, Ohio 45220
(513) 559–9701
jcarter9@fuse.net

I attach for completeness the kegal analysis remedy fixes (which I endorse and propose as well):

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

On the Proposed Final Judgment in United States v. Microsoft Contents

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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

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).

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet 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 fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment In crafting the Final Judgment, the judge will face the following questions:

How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?
How should the Final Judgment erode the Applications Barrier to Entry?
How should the Final Judgment be enforced?
What information needs to be released to ISVs to encourage competition, and under what terms?
Which practices towards OEMs should be prohibited?
Which practices towards ISVs should be prohibited?
Which practices towards large users should be prohibited?
Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give some idea of how the PFJ proposes to answer those questions: PFJ Section III: Prohibited Conduct

Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE). Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows.

Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE. (Roughly same as F above.)

Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments.

Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions.

How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

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. 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 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:

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 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: ''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.

Definition U: ''Windows Operating System Product''

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. 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 or develop alternatives to Windows.

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.

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.

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.

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 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 or Free Software 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.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. 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 anything like a 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 definitions

Definition A should be amended to read

A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that [Microsoft Middleware running] ,Popular Windows Applications running or being installed on a Windows Operating System Product [uses] use to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

Definition U should be amended to read

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.] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial 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. Four new definitions should be added:

V. ''Popular Windows Applications'' shall be defined as as the top 10 selling applications as reported by NPD Intelect Market Tracking in each of the categories Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. ''Essential Windows API Patents'' shall be defined as those patents held by Microsoft which cover Essential Windows APIs, such that those APIs cannot possibly be implemented without infringing upon said patents.

X. ''Essential Windows APIs Standard Definition'' shall be defined as a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Essential Windows API, and enumerates any Essential Windows API Patents.

Y. ''Essential Windows APIs Standard Compliance Test Suite'' shall be defined as software source code which, when compiled and run, automatically tests an operating system for compliance with the Essential Windows APIs Standard Definition, and outputs a list of each API which fails to comply with the Essential Windows APIs Standard Definition. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

Release of Information

Section E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows,

Because any new competitor in the Intel-compatible operating system must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications. The best way to do this is by submitting the API definitions to a standards body. This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative). The result is Standard ECMA-234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and fourty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA-234 for the various modern versions of Windows. Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

A new section IV.E should be created to achieve the above goals by adding the following text:

E. Establishment of a Windows API Standards Expert Group Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

Promptly after appointment of the WASEG by the Court, the United States shall enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except

to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

The WASEG shall have the following powers and duties:

The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish this information for at least three hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another three hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall use tools such as Apius from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and an evaluation of which Windows APIs each patent covers. The WASEG shall compile this information by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish an evaluation of 30 patents. On the 1st of each month thereafter, the WASEG shall publish an evaluation of another 30 patents. This shall continue until evaluations of all patents claimed by Microsoft to cover the Windows APIs have been published on the WASEG web site.

The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www. UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs. This shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Prohibition of More Practices Toward OEMs

III. A. 2. of the Proposed Final Judgment 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, 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 ...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.
Dan Kegel

MTC–00027479

From: SKen339122@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:08am
Subject: MICROSOFT SETTLEMENT

Hello,

While I am in agreement with your settlement of the Microsoft debacle, please encourage other states to be involved with this settlement.

At no time was this ever a consumer problem. The problem lies solely with competitors who could not keep up with the innovations of Microsoft. Everyone in the United States of America has the opportunity to be creative and to build any type of business. When the government decides to break apart companies because you listen to the ear of the incompetent competitors, you weaken the creative business spirit of our great country. It is time your issues with Microsoft be over.

I am a shareholder of Microsoft and have great respect for this company. Mr. Gates did not live off the banks as most companies seem to do but built this company by his innovations and creativity. You would do much better in the protection of the little people, like me, by taking care of businesses like the cable companies, which we have no choices, and Enron.

Thank you for listening to one of the ''little people'' of this country.

SANDY

MTC–00027480

From: Stephanie Bricker
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: ''Microsoft Settlement''

To whom this may concern:

The federal court has reviewed the Microsoft antitrust case and found that Microsoft has repeatedly violated U.S. antitrust laws and should be liable for its illegal conduct. Microsoft seeks to heighten its power and control in the world, in an effort to squash competitors, it seeks to merge with other companies and therefore install Internet Explorer as the default operating system in connection with Windows. This will lessen the use of netscape. However, many people favor netscape and this step by Microsoft will only inconvenience such users and create disfavor towards Microsoft. I urge you to hold Microsoft accountable for its actions not allow for such monopolies to take place. In addition, Microsoft should not be

able to attach other products or services, especially items that do not even have anything to do with operating a computer.

Furthermore, the economy needs competition. It is the fundamental aspect in the economy. Please allow for the continuation of technological competition because it is essential in economic survival and the satisfaction of consumers.

Thank you for your time,

Stephanie Bricker

MTC–00027481

From: Michael Batchelder
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: Microsoft settlement

I would like to register my dissatisfaction with the proposed settlement in the case of US v. Microsoft. As an information technology professional, I have personally witnessed Microsoft's policies restricting consumer choice (my own, w/regard to purchasing computers without Windows operating systems), failing to provide quality service (for which increased competition should be the solution), and limiting, rather than encouraging innovation.

Should the Department of Justice choose to move forward with the proposed settlement, I will take it as compelling evidence that the Bush administration is clearly a government ''for large corporate interests, by large corporate interests, and of large corporate interests'', at the expense of the peoples'' interest.

Thank you,

Michael Batchelder

Redwood City, CA

MTC–00027483

From: AbigailJHoover@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: my opinion

I'm writing to express my opinion on the antitrust case against Microsoft. What must be taken into account is how much Microsoft has given the world. Not only technology, but jobs, products, entire industries. Microsoft revolutionized personal computers in a way that has improved the lives of most everyone I know. The simplification of personal computing has made it possible for any one of any age and background to utilize technology. Why must Microsoft be punished for success? There is no logic to that. Human beings evolve and make improvements not because they are being ''fair'' ... technology and business are not polite playground play. It benefits no one to punish Microsoft for success. It benefits us all to encourage achievement. Microsoft would not be seen as threatening if it had not earned the undeniable excellence with the consumer, creating standards in the industry that were challenging to stay abreast of. Competition is the healthiest motivater; it keeps us all reaching higher and higher, improving and strengthening and evolving. If we punish success, we endanger our very evolution.

MTC–00027484

From: whij0@nodots-daemon@inetgw
To: Microsoft ATR
Date: 1/28/02 1:12am
Subject: Microsoft Settlement

PURPOSE: This document is respectfully submitted as public comment on the Proposed Final Judgement in United States v. Microsoft pursuant to the Tunney Act.

QUALIFICATIONS: The author has technical and managerial experience in Information Technology covering large mainframe to Unix mid-range to PC systems extending over more than three decades. This experience has been in private industry but also includes part-time involvement in independent consulting and providing advice for friends. The author holds the Microsoft Certified Systems Engineer (MCSE) certification.

SUMMARY: In its current form, the Proposed Final Judgement fails every remedy objective provided by The Supreme Court. Therefore, it should be rejected and stringent interim conduct restrictions applied.

DISCUSSION: Microsoft was tried and found guilty of violating sections 1 and 2 of the Sherman Antitrust Act. The findings were upheld under appeal. The current task is to determine appropriate remedies. In 391 U.S. 244, The Supreme Court provided criteria for the remedies in antitrust cases: ''It is of course established that, in a 2 case, upon appropriate findings of violation, it is the duty of the court to prescribe relief which will 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 trial court is charged with inescapable responsibility to achieve this objective . . . .''

First, let me acknowledge my disappointment at the loss of structural remedies. Microsoft has been extremely innovative with interpreting conduct restrictions in the past (Civil Action No. 94–1564, http://www.usdoj.gov/atr/cases/f1300/1329.htm). Given such past behavior, only an extremely tight and well designed (both technically and legally) document only containing conduct restrictions will be effective.

The structure of the Proposed Final Judgement (PFJ) is as follows:

I. Jurisdiction
II. Applicability
III. Prohibited Conduct
IV. Compliance and Enforcement Procedures
V. Termination
VI. Definitions
VII. Further Elements
VIII. Third Party Rights

Nowhere does the PFJ address ''deny to the defendant the fruits of its statutory violation.'' Although section III discusses conduct restrictions, there is no language to ''terminate the illegal monopoly'' and ensure no ''monopolization in the future''. Rather, the current PFJ serves to acknowledge, strengthen and continue the monopoly. Section III, A deals with not retaliating against OEMS. Starting with III, 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;''

Conspicuous by its absence is considering the possibility of shipping a Personal Computer with only one non-Microsoft Operating System or no Operating System at all. Even more interesting to note is the last paragraph: ''Nothing in this provision shall prohibit Microsoft from providing 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.''

Although retaliation is prohibited, this paragraph provides the necessary loophole by allowing selective Consideration. This appears to be a variation on the theme of vendors providing a cash discount when they were prohibited from applying a credit card surcharge. In both cases the same result is achieved.

The open source initiative has been a nemesis to Microsoft. Unlike, a traditional profit oriented business, the usual tactics haven't worked to eradicate them. The design of the PFJ appears to be geared to assist in this objective starting with the explicitly named list of commercial type organizations in section III, D. An explicitly named list inherently excludes anything not listed. This is further emphasized in III, J, 2, b-d: ''(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 . . .''

Open source initiatives tend to be non-commercial projects whose source code results are freely published on the Internet. They clearly fail b) and c) since they do not have traditional business plans. They could not afford d), which is unnecessary anyway, since the source code is readily available. The references to RAND (reasonable and non-discriminatory) licenses (the subject of serious debate in the W3C standards approval process) fall in this same category. The open source initiatives could all be rendered obsolete merely by selectively changing the APIs to be incompatible with the current ones and leveraging the PFJ and the DMCA to prevent access to the information necessary to attain compatibility. In one easy move, the open source problem is eliminated with a release change. This could spell the end of projects such as WINE (a project to run Windows applications on non-Windows Operating Systems) and Samba (a project to provide Windows type file and print services on non—Windows Operating Systems and to connect to Windows hosted file and print services from non—Windows Operating Systems).

The PFJ is fraught with loopholes. This document discusses just a few.

CONCLUSION: The general tone of the PFJ merely acknowledges that Microsoft is a monopolist rather than serving to ''terminate the illegal monopoly'' and ensure no ''monopolization in the future'' as well as not addressing ''deny to the defendant the fruits of its statutory violation.'' The PFJ in its

current form is grossly inadequate. A major overhaul is required to meet the stipulated criteria. The court should reject it.

Should the current PFJ be adopted, no business would attempt to compete with Microsoft in any area Microsoft has an interest. Should anyone be foolish enough to do so, there would be no external funding available due to the enormous risk of failure. This document will not serve to restore competition.

Given Microsoft's past behavior, significant interim conduct restrictions should be applied to temper future damage pending the probable lengthy resolution of this matter.

SIGNATURE:
James R Whitten
Overland Park, KS
whij0@swbell.net

MTC–00027485

From: jbarney
To: Microsoft ATR
Date: 1/28/02 1:10am
Subject: microsoft settlement

I am a small business owner. Ten years ago my business had to cobble together a variety of software programs in order to operate my business because one program would not talk to another program. To do so was very expensive and time consuming.These are the very companies that are suing Microsoft. Along came Microsoft and tied it all together, and did so at a reasonable price. These other companies are just whining because they still don't have the ability to come up with a workable system. Their is no antitrust case against Microsoft. Nobody has been hurt. Quite the contrary, Microsoft has made life a lot easier for most of us. It is just a political charade. Quit spending taxpayer money, throw the case out. and get on with life.

Jack Barney

MTC–00027486

From: Bob
To: Microsoft ATR
Date: 1/28/02 1:16am
Subject: Microsoft Settlement

Below please find a copy of an original post I made to Slashdot 11/2/2001 about Microsoft and the nature of the problem their behavior represents to the computing industry. You may read it directly here http://slashdot.org/comments.pl'sid=23317&cid=2513826 but I have chosen to reproduce it here for you immediate use.

I feel that this analogy is very fair- operating systems ARE essentially program utilities that handle the allocation of system resources, and so competing against a company that is both your competitor and the power company puts that company in a position from whence a trust can arise (and has in the case of Microsoft). A breakup as envisioned by the original judge or a source code release free of limitations other then not being able to use the code for OS sales would be appropriate remedies.

I truly hope that you listen to myself and other computer professionals, and stand ready to explain my position and conclusions with anyone from the DOJ or any other government officer in order to facilitate a return to a balanced, competitive and useful software market environment. I can be reached via this email address or at home, 972–437–6795.

Imagine if your local power company was a conglomerate that could also compete with your toaster maker company.

Microsoft Power & Light decides to change the voltages to everybody's home every three years, requiring a complete change to all the appliances and home systems. This suits you fine as it drives more toaster sales, so while you question the ethical validity of these changes, the havoc it creates and the incredible costs it imposes on the community, the business model is there- you are on board.

MSP&L tries to enter into the toaster market, but they can't make a toaster as good as you. You think all you have to do is continue to make a better toaster- you poor deluded fool.

MSP&L approaches you and says hey we will force all the homeowners to have a specific plug and voltage for toasters, sign up with us and we can guarantee you your share of the toaster market and we'll get our share. You don't dare refuse because the implied threat is that the proprietary toaster plug can be used to lock you out just as easily as lock you in. The consumers go along because you set the quality standards and if you are on board it must be an okay plug standard, and besides those malfunctioning MSP&L toasters are mighty cheap. Now all of a sudden you are a ''strategic business partner'', desperately hoping that MSP&L or an appliance giant will buy you out.

MSP&L has locked you into a standard under their control, but now some MS VP genius decides that toasters are strategic (it's not an appliance, it's ad-revenue!). They mess with the voltages every year so your toasters malfunction and their toasters work until you spend valuable design and retool time ''fixing'' your toaster. They create SmarToaster technology that sends email recipes to their toasters to enhance the toaster experience and incidentally deliver ads, actually their real revenue stream in the toaster market. The convection/microwave people are destroying your upper-end toaster market, so you are totally squeezed. Then to finish you off, MSP&L gives toasters (which they finally have kind of working) to everyone during the next voltage change.

You are done for.

But hey our government is here for you! The DoJ comes by and says, gosh that's wrong, MSP&L cannot use their power monopoly to squash the toaster market, MSP&L play nice. MSP&L agrees, then builds the NeToaster standard that requires you to use a certified bread or pastry and you can't remove the ads.

ActiveOvenLife cries out for justice because they can't impose their own toaster standard on all the households. Now the DoJ says okay MSP&L, play nicer. Don't you feel good ex-toaster guy?

Hmmmm, maybe you should have lobbied for standard electricity settings instead of letting greed get to you, treated the power company as a monopoly utility and allowed everyone to build the best appliances that compete on their merits. Open source electricity standards and government-regulated power? That's just wacky and unAmerican!

The truly frightening thing is that if Microsoft continues to get away with this, the rest of the corporate world will follow suit and we will end up with crazy costs, financial and personal, in all sorts of real life situations like the above.

The excellent railroads, electricity, roads and telecommunications infrastructure that all Americans enjoy did not happen by accident. It was a combination of visionaries, greedy people and governmental community laws that gave us industries and standards that work.

If the Microsoft culture is allowed to dominate computing, then we will experience what our forefathers avoided by stopping railroad magnates or Standard Oil from controlling the lifeblood of our nation. God help us if we have failed to learn those lessons.

MTC–00027487

From: Keith Beavers
To: Microsoft ATR
Date: 1/28/02 1:15am
Subject: Microsoft Settlement

In my opinion Microsoft has demonstrated much good faith in effort to finish this matter. The same doesn't seem to be true of the competition.

Sincerely,
Keith Beavers

MTC–00027488

From: Dave Kennedy
To: Microsoft ATR
Date: 1/28/02 1:16am
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 there are good aspects of the Proposed Final Judgement (PFJ), I will concentrate instead on the issues that need correcting. In addition to these comments, I agree with Dan Kegel's open letter and essay ''On the Proposed Final Judgment in United States v. Microsoft''. He has invested a great deal of effort into systematically identifying the flaws in the PFJ and in designing suggested corrections. I was surprised to find that:

—The proposal does not even address the issue of Microsoft intentionally designing into their operating system roadblocks to Non-Microsoft operating system developers for the purpose of maintaining their monopoly.

—The proposal provides definitions of Microsoft's current and future products that are too narrow. Briefly, the definition of ''API'' is succeptible to version number modifications and the definition of ''Middleware'' is succeptible to distribution method modifications. For example, the PFJ would not cover Microsoft's software that is distributed via Windows Update. This is a serious loophole.

—The proposal neglects to address the release of file formats for ''popular'' office

productivity software. This is a critical aspect of Microsoft's monopoly power as it provides leverage for excluding Non-Microsoft operating systems just as do its tactics regarding Internet Explorer. Office productivity applications have become a very important feature of operating systems, and non-disclosure of office application file formats prevents other operating systems from providing compatibility with Microsoft office applications, and, of course, Microsoft's office applications are not capable of running on any but a select few operating systems. This constructs a prohibitive sacrafice that is necessary for switching to Non-Microsoft operating systems because the end user's office application documents cannot be converted to formats that are usable by the Non-Microsoft operating system. All intellectual and time-related investments in such documents would be lost if an end user chose to switch to another operating system. As a result, Non-Microsoft operating systems become less commercially viable. Undocumented file formats have already been found to strengthen Microsoft's Applications Barrier to Entry in the ''Findings of Fact'' paragraphs 20 and 39. This issue should not be ignored by the Final Judgement.

—Only forcing Microsoft to disclose its pricing schedule to the top 20 customers is wholly inadequate, for it neglects protection of all other customers, especially those who are not as powerful as the top 20.

—Many people are confused and frustrated that the Free Software Movement issues relating to Microsoft's abuses are not addressed by this PFJ.

For example, forcing Microsoft to ''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.'' (The Proposed Final Judgement) does nothing to prevent witholding or implementation of technical information from developers of efforts toward operating systems that provide Microsoft operating system functionality for non-Microsoft operating systems. An example of such a project is WINE. In addition, it is rather alarming to find that many aspects of the proposal do not explicitly allow private developers who are creating products for Non-Microsoft operating systems to implement the technical information mentioned. How is the restriction to businesses and organizations justified? Why are the secret patents held by Microsoft not addressed by this Proposed Final Judgement? There are many other issues with the Proposed Final Judgement that I have not discussed here. Please refer to Dan Kegel's essay, ''On the Proposed Final Judgment in United States v. Microsoft'', for a more thorough description of the problems and their solutions. While some of these points may not be an immediate concern to some, they must be covered in the judgement because: ''... 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.'' (Ralph Nader and James Love, 2001) Is this what the USDOJ intends to allow?

Please, let's have a geniune effort at disciplining Microsoft.

Thank-you.

David W. Kennedy

Student

Engineering, Computer-Science

University of Illinois at Urbana-Champaign

References:

Dan Kegel's Open Letter to DOJ Re: The Microsoft Settlement

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

Ralph Nader and James Love, November 5, 2001, ''RE: US v. Microsoft proposed final order''

URL: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

MTC–00027489

From: jwjptw
To: Microsoft ATR
Date: 1/28/02 1:15am
Subject: Microsoft Settlement

Dear Sirs:

I would recommend that the DOJ stop any further action against Microsoft and accept the settlement. I have been involved with computers for 24 years and decided long ago it made sense to go with Microsoft products beginning with MS-DOS. They have developed good products with excellent support and training. They have empowered the home computer user to expand his vision and utilize tools that previously were beyond his expectations and without effort to learn programming in order to achieve immediate success. Microsoft has done more to advance human knowledge and productivity than any single corporation has in the technical age. Many of the plaintiffs exhibit greed and envy in their comments and actions while trying to get the government to grievously impair a competitor when their primary damage is to their egos.

The attorneys in the federal government, states, and some individual corporations have used this venue to enhance their own public images, which is such a waste of public money. You have a settlement; take it and get on to matters that are more important.

Thank you,

Jack Jenkins

MTC–00027490

From: Michael Capehart
To: Microsoft ATR
Date: 1/28/02 1:18am
Subject: Microsoft Settlement

The settlement is a bad idea, and will only serve to let Microsoft off with a slap on the wrist for destroying any real chance for competition in the computer software industry. Stop them now, because you will not get another chance.

Mike Capehart
mwcapehart@earthlink.net
mikespager@earthlink.net

MTC–00027491

From: Rosemary Loven
To: Microsoft Settlement
Date: 1/28/02 1:13am
Subject: Microsoft Settlement
Rosemary Loven
P.O. Box 385
Bishop, CA 93515–0385
January 28, 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.

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,

Rosemary Loven

MTC–00027492

From: Kevin P. Rice
To: Microsoft ATR
Date: 1/28/02 1:18am
Subject: Microsoft Settlement

My name is Kevin Rice. I live in Bellevue, Washington, and work as a business analyst. As part of my work, I use many of Microsoft's products, including Microsoft Windows NT and Microsoft Office 97. I consider myself to be a power user and build sophisticated documents with Microsoft Excel and Access that include procedures written using built in macro language for Office, Visual Basic for Applications. At home, I use an Apple Macintosh and Microsoft Office 98, so I am familiar with multiple computer operating systems.

The Revised Proposed Final Judgement as currently structured does not meet the public interest. The proposed penalties are inadequate given Microsoft's anticompetitive behavior as outlined in the Findings of Fact, and Microsoft has too much influence over enforcement through the Technical Committee. The current competitive situation in the computer industry and its impact on consumers requires tougher, enforceable penalties.

According to the Findings of Fact, Microsoft has engaged in anticompetitive business behavior. It is important that there be punishment for this behavior; without adequate punishment, Microsoft has no

incentive to discontinue and alter the behavior deemed anticompetitive by the courts. Microsoft could easily defend itself against complaints using the legal system, while small businesses with innovative products beneficial to the consumer would have no practical recourse, even in the courts, if they were the victims of any anticompetitive practice by Microsoft. The Final Judgement in Civil Action 94–1564 prohibits Microsoft from entering ''into any License Agreement that by its terms prohibits or restricts the OEM's licensing, sale or distribution of any non-Microsoft Operating System Software product.'' Also, Microsoft cannot enter into an agreement with an OEM that prohibits the OEM from ''licensing, purchasing, using or distributing any non-Microsoft product.'' According to the Findings of Fact, Microsoft has already violated the prohibitions in the Final Judgement by not allowing OEMs to install their own tutorial software to their computers'' boot sequence. This prevented OEMs from offering a useful benefit to consumers. Microsoft also violated the spirit of the Final Judgement by not allowing OEMs to delete the Internet Explorer icon from the Windows desktop; this discouraged OEMs from putting an alternative browser on the desktop because it would be confusing to consumers. Given this behavior, stricter remedies would be appropriate. However the Revised Proposed Final Judgement does little more than restate the prohibited behavior of the previous Final Judgement using more precise language updated to reflect the current industry environment. This will not prevent Microsoft from altering their behavior in ways that may (or may not) be in compliance but would still be anticompetitive, requiring more legal action and prolonging harm to consumers. The language in the RPFJ also does nothing to penalize Microsoft for illegal behavior. This will make the prohibitions in the RPFJ more difficult to enforce, since violations of the prior Final Judgement resulted in no significant penalty to Microsoft.

The RPFJ calls for the establishment of a Technical Committee, with one member chosen by Microsoft and another member that the Microsoft-chosen TC member must agree to. Given that Microsoft has been ''found guilty'' of anticompetitive monopoly maintenance, they have too much influence over the makeup of the TC. The selection process for the Technical Committee is analogous to giving an accused murderer the ability to choose some of the jurors for his trial. A better alternative would be to give Microsoft limited veto ability similar to a jury selection process, with members randomly selected from a pool of candidates that meet the qualifications outlined in the RPFJ.

The current Revised Proposed Final Judgement does not improve the competitive environment in the computer industry and does not benefit consumers or the public interest. Because of the lack of serious alternatives to Microsoft products, consumers pay more for those products in extra time spent resolving defects in Microsoft software.

These defects range from bugs that interfere with the desired use of computer software to vulnerabilities to viruses such as Melissa, Code Red, and Nimda. In addition there may be an unknown number of potential innovations in computer hardware or software that will not be made available to consumers because of fear of anticompetitive business practices by Microsoft. Netscape is but one example of what can currently happen to a business with an innovative product in conflict with Microsoft's business goals. Therefore, it is critical that any settlement or other remedy of this case effectively curbs Microsoft's anticompetitive behavior.

MTC–00027493

From: Brian Leair
To: Microsoft ATR
Date: 1/28/02 1:19am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I am a professional software developer. I develope commercial software that runs on the Windows plaftorm in addition to several unix platforms.

I believe that there are several significant failures of the proposed settlement.

III.D. API Disclosure

It is completely unclear how this requirement differs from what they do now voluntarily. The Windows API is incredibly complex and very difficult to document. One competitive barrier Microsoft uses is that they document most of their API, but omit certain key pieces of information. However, an omission of information is nearly impossible to prove. Further, there seems to be some belief that if third parties have access to the source code, the documentation will somehow magically improve. I do not see how this could be—reviewing the source code and correcting the documentation will be a monumental task, and no third party that I know has the resources or ability to do this.

III.J.2 Exceptions

This section specifically excludes many software developers from participating in the benefits of III. MS has so ruthlessly exterminated all business competitors, that the only viable competition comes from volunteer efforts. Yet III.J.2 easily allows Microsoft the latitude to exclude independent developers from the benefits of these remedies.

There are several specific damages that consumers may suffer if a stronger settlement isn't reached

Microsoft can use it's API barriers to make it so costly for competitors to enter a market space the consumer will be given only ONE current viable option. Namely the option created by microsoft.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,

Brian D. Leair of OPNET Technologies

MTC–00027494

From: Alice Kvasnak
To: Microsoft ATR
Date: 1/28/02 1:21am
Subject: Attorney Geneeral John Ashcroft:

Dear Mr. Ashcroft:

Recent events have led to a settlement in the Microsoft antitrust case. I am pleased this settlement was reached because it means Microsoft will be able to finally focus on software and not the courts. I trust you will support this settlement.

Forces that hold an anti-Microsoft agenda are trying to derail this agreement and have Microsoft dragged back to court. They desire a harsher conclusion to this case, one that will be injurous to Microsoft. They prefer to compete with Microsoft in the courts, and not in the real world.

Ironically this settlement will be good for Microsoft's competitors,yet most still oppose it. Because the settlement exposes Microsoft's code, competitors will be able to create better software and make it work better on Microsoft's operating systems. We must not punish Microsoft for it's success;we should settle this conflict now.

Sincerely''

Alice Kvasnak
4802 Ponte Vedra
Otter Creek Lane
Beach,Fl.32082

MTC–00027495

From: Bob Bainbridge
To: Microsoft ATR
Date: 1/28/02 1:21am
Subject: Microsoft Settlement

I worked for IBM Corporation for 40 years and during that time saw many abuses by Microsoft Corporation. I saw the IBM PC Co., a division of IBM, become so fearful of Microsoft's abusive power that they refused to preload IBM's own operating system, OS/2, on customer machines. Microsoft threatened to withhold Windows shipments to IBM which would have virtually put the IBM PC Co. out of business. This was back when Bill Gates saw OS/2 as a real threat to his WIndows system. They also charged IBM higher prices for Windows than other competitors. I saw them make a minor upgrade from Windows 3.1 to 3.11 that suddenly caused all Windows programs to no longer run under OS/2. IBM then had to patch OS/2 to allow the Windows programs to run. They finally reached the point where IBM knew they were chasing a moving target and froze the WIndows code at that point. Because of this most newer WIndows programs will not run under OS/2. I saw other companies, like Gateway, pressured by Microsoft to the point that they would not preload OS/2 and would not support it if a customer called with a problem. Only in Europe, where Bill Gates didn't have as much clout, did OS/2 flourish. At the time of my retirement in 2000, IBM was still using OS/2 to run most of the mainframe consoles since IBM mainframe customers wouldn't tolerate the flakiness of Windows. By gaining a monopoly Microsoft has been able to push untested and unstable software products onto their customers and then charge them for the upgrades to fix the problems as in Windows Second Edition. The DOJ settlement has let Microsoft off with a ''smack on the hand'' and is much too light of a punishment. ONly after a large financial penalty will they change their arrogant ways.

Robert P. Bainbridge
41867 Debra Dr.
Elyria, OH 44035–1131
bob—bainbridge@prodigy.net

MTC–00027496

From: Benson Chow
To: Microsoft ATR
Date: 1/28/02 1:30am
Subject: Microsoft Settlement

Microsoft has tried hard to squash all competition. And it has succeeded. One specific example is how the company's product, Internet Explorer, has quickly reached the top. Now with so many users, and them putting in proprietary extensions that nobody knows except Microsoft, it essentially makes Netscape and other browser users crash or render pages incorrectly— thus forcing us to use their product if we wish to obtain their content. This is totally unacceptable, we have a right to choose what product to use to view content. This is like having only one brand of TV available. Imagine having to watch news where you *must* buy a specific brand of TV, else it won't work. The same thing has happened to Operating Systems and Office Applications. I agree with the ruling that Microsoft has violated the Sherman Antitrust Act.

I do however have a complaint about the proposed remedy. Microsoft wants to donate millions of dollars worth of goods to needy schools. This sounds very good on the surface, we are helping our the most disadvantaged children.

Now the problem is, it does not solve the problem we have ruled against. Those millions of dollars worth of ''goods'' they want to be Microsoft goods. Now we are going to be feeding these Microsoft goods to the children. They will grow up thinking Microsoft is the only thing available, and will continue to buy Microsoft software. Have we done anything? No—we have made the problem WORSE. We need to bring different choices to our children in order to guide them that there is more than Microsoft.

Many possible other solutions are possible. While it would be nice to allow companies that were destroyed by Microsoft to be rejuvinated, this is short of impossible. Or perhaps a rebate to all purchasers of Microsoft software. No, this is not good either, it does not help the problem. We need to do something that makes a difference—A charitable donation is a good start. But it needs to show choice. Perhaps they must purchase machines and software from their remaining competitors for their settlement. Perhaps they should open up their standards to allow competitors to once again compete. It's a tough call, destroying a powerful company is never a good thing, but a virtual, ''cyber monarchy'' could be formed and Microsoft at its head, with the current settlement as it stands today.

I am a Linux user. I would like to see things such as them complete the following at an unspecified percentage and split:

-Open up Internet/application/operating standards they have created to allow competitors to design competing products.

I would like to see projects like Netscape, Caldera Office, and WINE to get big breaks from the settlement.

-Purchase computers for schools for the same amount, but use competitor software or buy more computers and use open-source, or free software.

I do not necessarily want to see a breakup of the company. They will still hold a monopoly on their respective business units.

Thank you for reading this. I hope this will encourage you to reconsider the settlement and let users and thousands like me to enjoy content the way we want to, instead of how Microsoft wants to.

-bc

MTC–00027497

From: The L1 Ranger
To: Microsoft ATR
Date: 1/28/02 1:32am
Subject: Microsoft Settlement

''Leave Microsoft Alone''/
-The L1 Ranger!

MTC–00027498

From: Javier L. Madrid
To: Microsoft ATR
Date: 1/28/02 1:34am
Subject: Microsoft Settlement

Your Honor,

Now is the time to preempt the further spread of Microsoft's plans to expand their ill-gotten monoply. The company that started by offering products to make computing easier for non-programmers has reached a point of diminishing returns for those same people. For a number of years now their efforts have been focussed more on the protection of their revenue stream (you and I) than on true innovation. Not only have they been bereft of innovative products but have hired away from academia and their rivals truly innovative thinkers thus preventing the fruits of their scientific labor benefiting their competitors. From my vantage point from within the Tech Industry I feel that this unapologetic and arrogant company that has grown so huge in its pervasiveness in every day life must be dealt with in a truly historic harsh fashion. As they have dealt brutally from a business perspective with those perceived as even remotely competitive whether it be a single person or a company so they too must now be taken to task.

These are my recommendations:

(1) They are not to be allowed to expand to ANY new technical markets for 10 years either by partnership or funding or purchasing of companies or rights to technology.

(2) Levy a 10 billion dollar penalty against the company and only accept CASH, and not spread over 5 or 10 years of installments. Use the money to help fix our educational system.

(3) They must open the entire set of Windows APIs and file formats now and in the future to truly foster competition and innovation. Your Honor, it is key that this company not be allowed to ''embrace and extend'' their monoply.

Their true intentions are not so much about producing good products as it is about preserving at all costs a regular tithing from you and I.

Your Honor, it is time for you to ''think outside the box''.

MTC–00027499

From: Douglas Gray
To: Microsoft ATR
Date: 1/28/02 1:34am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am concerned that the proposed settlement does not adequately address a number of issues in connection with the case (as outlined in the open letter by Dan Kegel of kegel.com), and believe that competition would be harmed by the adoption of the settlement, i.e. that the settlement is NOT in the public interest.

Sincerely,
Douglas Gray
Postgraduate Researcher
University of California San Diego
San Diego CA

MTC–00027500

From: Brad Harvell
To: Microsoft ATR
Date: 1/28/02 1:33am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.
Thank you for counting me.

MTC–00027501

From: Michael J. Kennedy
To: Microsoft ATR
Date: 1/28/02 1:35am
Subject: Microsoft Settlement

To the Honorable Court:

I have read and cosigned the Open Letter to DOJ Re: Microsoft Settlement written by Dan Kegal, and I am writing to further express my opinion of the Proposed Final Judgement in the United States v. Microso case. I believe that the Proposed Final Judgement should not go through the way it is. I am aware that the Department of Justice concluded that Microsoft has engaged in monopolistic behaviors and that Microsoft has used its position of power to prevent competition. However, this main problem still has not been addressed fully. Under the settlement as it currenly is written, Microsoft would essentially be able to continue its anti-competitive practices merely by altering some of its company procedures.

I believe that Microsoft should be required to publish documentation of its APIs for uninhibited use by developers of alternative software systems. This will serve to reduce the ''appications barrier to entry,'' allowing developers of competing products to add compatability for existing standards. This, in turn, allows those developers to make a successful entry into the software market, thus promoting competition.

I also contend that Microsoft should be disallowed to certify hardware devices as ''designed for Windows,'' unless the specifications of those devices are released to the public. Consumers don't want to use an operating system that doesn't support their hardware. Maintaining secret hardware specifications hinders the development of free operating systems that run on a wide range of hardware.

In conclusion, I believe that the Proposed Final Judgement is not good enough and is in need of revision. The revisions should ensure that Microsoft cannot resume actions

that are anti-competitive and that are not in the public interest. Thank you for your time and consideration.

Sincerely,
Michael J. Kennedy
Champaign, IL
Computer Science Student
University of Illinois

MTC–00027502

From:bishopjim@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:37am
Subject: Microsoft Settlement

Please consider the merits of the settlement for the good of the U.S. economy and our technology industry. They are reasonable and fair to all parties, and meet ? or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward.

Jim Bishop
Marietta, GA
678.523.3912

MTC–00027503

From: Benson Chow
To: Microsoft ATR
Date: 1/28/02 1:40am
Subject: Microsoft Settlement

Appended contact information.

Microsoft has tried hard to squash all competition. And it has succeeded. One specific example is how the company's product, Internet Explorer, has quickly reached the top. Now with so many users, and them putting in proprietary extensions that nobody knows except Microsoft, it essentially makes Netscape and other browser users crash or render pages incorrectly— thus forcing us to use their product if we wish to obtain their content.

This is totally unacceptable, we have a right to choose what product to use to view content. This is like having only one brand of TV available. Imagine having to watch news where you *must* buy a specific brand of TV, else it won't work. The same thing has happened to Operating Systems and Office Applications. I agree with the ruling that Microsoft has violated the Sherman Antitrust Act.

I do however have a complaint about the proposed remedy. Microsoft wants to donate millions of dollars worth of goods to needy schools. This sounds very good on the surface, we are helping our the most disadvantaged children.

Now the problem is, it does not solve the problem we have ruled against. Those millions of dollars worth of ''goods'' they want to be Microsoft goods. Now we are going to be feeding these Microsoft goods to the children. They will grow up thinking Microsoft is the only thing available, and will continue to buy Microsoft software. Have we done anything? No—we have made the problem WORSE. We need to bring different choices to our children in order to guide them that there is more than Microsoft.

Many possible other solutions are possible. While it would be nice to allow companies that were destroyed by Microsoft to be rejuvinated, this is short of impossible. Or perhaps a rebate to all purchasers of Microsoft software. No, this is not good either, it does not help the problem. We need to do something that makes a difference—A charitable donation is a good start. But it needs to show choice. Perhaps they must purchase machines and software from their remaining competitors for their settlement. Perhaps they should open up their standards to allow competitors to once again compete. It's a tough call, destroying a powerful company is never a good thing, but a virtual, ''cyber monarchy'' could be formed and Microsoft at its head, with the current settlement as it stands today.

I am a Linux user. I would like to see things such as them complete the following at an unspecified percentage and split: —Open up Internet/application/operating standards they have created to allow competitors to design competing products.

I would like to see projects like Netscape, Caldera Office, and WINE to get big breaks from the settlement. —Purchase computers for schools for the same amount, but use competitor software or buy more computers and use open-source, or free software. I do not necessarily want to see a breakup of the company. They will still hold a monopoly on their respective business units. Thank you for reading this. I hope this will encourage you to reconsider the settlement and let users and thousands like me to enjoy content the way we want to, instead of how Microsoft wants to.

—bc

Benson Chow, blc@q.dyndns.org
3500 Granada Avenue
Santa Clara, CA 95051
408–569–2132

MTC–00027504

From: Jessica Kohagen
To: Microsoft ATR
Date: 1/28/02 1:38am
Subject: ''Microsoft Settlement''

I am writing as both a concerned college student and as a concerned consumer. I truly believe that open competition in every market promotes better quality and utilizes all the available resources. I fear that the demand for engineers in computer-related fields will decrease significantly if Microsoft's competition is restricted or eliminated. In addition, the development of computer-related technology maybe be slowed if companies aren't trying to ''get an edge'' over one another. Keeping unrestricted competition will ensure state-of-the-art technology and quality products for the consumer as well as job openings and possible entrepreneurships for those currently in the industry as well as those who will be entering it within a few years.

Sincerely,
Jessica Kohagen
Pardee Tower #612
614 W. 35th Pl.
Los Angeles, CA 90089
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00027505

From: Cody Ashe-McNalley
To: Microsoft ATR
Date: 1/28/02 1:39am
Subject: Microsoft Settlement

Dear United States'' Department of Justice,

I am writing to urge the government not to seek any settlement which allows Microsoft to continue the anti-competitive, anti-consumer business practices that it has used, still uses today, and openly plans to continue to use. I have spent my entire professional life working in the fields of information technology and software development. Microsoft has had an unfairly taxing effect on every aspect of the industry I have experience in.

While certainly not all, I believe the following two issues are the primary obstacles in dealing with the Microsoft monopoly: One, their use of proprietary, undocumented, and ever-changing file formats, application program interfaces (APIs), and security authentication methods; two, the draconian and unlawful enforcement of licensing agreements with original equipment manufacturers (OEMs).

The first issue, proprietary file formats, has hindered me personally, and has undoubtedly affected every citizen of the United States who has used Microsoft Office products. As consumers desire more access to the Internet and multimedia files, this problem will only increase. As it is, there is already a huge deficiency in the basic functionality of Microsoft products on the Apple Macintosh operating system.

The second issue, unlawful licensing agreements with OEMs, is analogous to the system of rebates that allowed John D. Rockefeller's Standard Oil to maintain a monopoly in the oil industry. There is effectively no point of entry for competition in the market for small business and consumer computing goods in the United States. This has become an indirect tax on every consumer purchasing a personal computer. However, this has probably hurt the small businesses of America most of all. Business today depends on computers, and they have no choice but to become Microsoft customers. Their success depends on Microsoft from their very inception.

The United States has had enough success controlling anti-competitive monopolies to still offer an environment full of opportunity for its citizens, both as consumers and business people. I greatly hope that the United States Department of Justice can persevere in restoring that environment for the twenty-first century.

Sincerely,
Cody Ashe-McNalley
11700L National Blvd. #103
Los Angeles, CA 90064

MTC–00027506

From: Steve Black
To: Microsoft ATR
Date: 1/28/02 1:42am
Subject: Microsoft Settlement

Microsoft's competitors would have you believe that they are pure innocents that have been grossly wronged by the ''evil empire''. In many ways, Microsoft competitors are no better than Enron in their execution of modem business ethics. Much of the anti-trust complaint reads as if the government and judicial were brain dead. It's difficult to understand how highly educated attorney's can be so ignorant of the principles of debate, however, it's not fallacy of logic that's on

their minds, but how to get maximum mileage from legal loop-holes. Here's my opinion on the entire anti-trust case:

The government's anti-trust suit has been no benefit to the consumer. It has primarily provided fuel for ambulance chasers. Anti-trust concepts, over 100 years old, are being used as a loophole to accomplish political and business goals that were not the original intention of anti-trust.

Software is neither a limited resource nor is it controlled by any single individual or company. The government has ignored the Apple, HP, Sun, et.al., which are monopolies in the computer workstation industry. Their proprietary software will only work on their proprietary hardware. As a result, huge promises have been made, but innovation has been nil, and prices are exorbitant. This has hurt businesses large and small. Consumers have been hurt by high prices being passed through in the goods and products produced by all American industries.

This is far worse than the telephone monopoly, which has not been stricken with the greedy intentions of Sun and Netscape/AOL-Time Warner. Cell phone makers have not sued traditional telephone company monopolies, instead, they have created an original new product that offers the consumer something new and that they are willing to pay over twice the cost to own. Government tolerance of airline fare and automotive gasoline price monopolies has also hurt consumers significantly and shows a pattern of abuse that has the look and feel of corruption. The government has relented to political pressure from politicians and greedy CEO's that have prevented the passage of many updated and revised laws that could prevent them from being used with corrupt intentions.

The PC revolution has allowed anyone to own a high performance computer. The monopolistic workstation vendors have lost billions from their market that went from 860,000 professional workstations to $10,000 PC systems. To say that these companies have a grudge against Microsoft is a gross understatement. The consumer, the American economy and the world in general can be thankful of Microsoft's effort to innovate and advance PC technology. They are by no means the only company to do so, but in no way should they be destroyed by two greedy individuals and an industry that was getting rich by stealing millions from consumers instead of competing in the market place.

In contrast, Microsoft has made it possible for everyone to own and operate a computer at extremely competitive prices. It is blasphemy that Sun or other companies and state Attorney General's suggest that Microsoft has over-charged consumers. It's also interesting to note that if Microsoft had lower prices, they would have been accused of trying to run their competition out of business by flooding the market with cheap software. There simply is no safe strategy to avoid the egregious actions of those who insist on perverting anti-trust laws to their own financial and political gain.

There are many reasons why Microsoft was the choice of consumers and became dominate in the PC software market, but it is very likely primarily due to their far superior product than the gross incompetence of their competition. Consumers have been damaged and angered so much by proprietary and incompetent software that it's no wonder they have no tolerance for incompatible, proprietary systems. The majority of consumers and their businesses have used a loud and clear voice in the market place to tell Apple, Linux, BeOs, and others that they dislike their business model of high prices and proprietary design.

In drastic contrast, Microsoft's products are compatible with thousands of other successful software products on the market today. In fact, one company that claimed in a congressional hearing that Microsoft disabled their software was totally embarrassed by private independent testing labs that proved otherwise. In no way has Microsoft's competitors played fair and their current abuse of anti-trust law is a distortion of reality.

It is also interesting that the judge and companies that warned that the proposed settlement involving distribution of Microsoft software to many poor schools districts would put Apple's monopoly at a disadvantage. They are certainly not unaware that schools are under siege from American businesses that want PC's in the schools, so they don't have to re-train all the students. It costs billions of dollars that are passed through to consumers, to train, maintain and update computer software in every business in this country today. The waste would be monumental if each company had to maintain multiple computer systems and they know this to be an irrefutable fact from past experience. This is just one of the many forces that has created the Microsoft monopoly. Microsoft's only part was to provide the best possible software, but they were entrapped by anti-trust terrorists while trying to keep people from stealing their software, In contrast, Netscape has tried to bully their way into a tiny segment of the operating system market by offering a product that is a niche element of the basic operating system. One of the primary functions of an operating system is to connect the central processing unit (CPU) with the internal and external hardware attached to the computer. The Internet is merely an extension of the basic computer network and nothing more.

The need for a special browser to access the Internet is only a viable marketing concept if it significantly improves that concept or offers consumers significant value. Netscape has done neither. In fact their market share is far larger than they want you to know, since many users are still using old versions. This is because their newer version 6.0 was very poorly written and there really isn't much else that a browser can do other than be a simple path to the Internet where content that neither Microsoft nor Netscape control is the desirable goal of the consumer.

It is well documented in the press that Netscape version 6.0 was such a failure and performed so poorly that is was soundly panned by the experts and most advised against upgrading. Microsoft's dominance again is shown to be due to superior competence and based on merit, while their competition had abdicated their responsibility to deliver a quality product to the consumer. Netscape's loss of market share is primarily due to their lack of innovation and their product simply does not provide any value to the consumer.

Claims that Microsoft wants to control the Internet are a good example of fundamental misconceptions and the high level of miss-information in the anti-trust suit. Web site owners are responsible for the content on their sites and there are no technical, political or legal barriers to web content other than federal and state statutes, which apply equally to everyone.

Likewise, consumers have determined what browser they prefer. The majority of consumers want nothing to do with Netscape and they have good reasons for that decision since compatibility, reliability and security are far more important than the marketing hype and illusionary benefits and features of any browser. The alleged damage and losses experienced by Netscape primarily exist in the minds of their attorneys and nowhere else; certainly not in the minds of consumers.

Whether Microsoft is a monopoly or not has nothing to do with the success of Netscape. Consumers must have an operating system for their computers and the CPU must communicate with internal, external and network drives (servers). The Internet is simply the extension of the basic computer system hardware. Netscape's loss of market is due to their own incompetence and nothing else.

Steven M. Black
1916 Camas Court SE
Renton, WA 98055–4501
01/31/2002 7:20 F

MTC–00027507

From: ChristianK1@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/28/02 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.

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,
Christian Kulczytzky
807 Rennard Street
Philadelphai, PA 19116

MTC–00027508

From: Ken Kundert

To: Microsoft ATR
Date: 1/28/02 1:43am
Subject: Microsoft Settlement

It is clear to me that the DOJ caved in to intense lobbying pressure when it agreed to the current settlement. That is the only way to explain it. Anybody that has paid any attention to Microsoft's behavior of the last decade knows that this settlement will have no significant impact on Microsoft. They will ignore it like they ignored both the law and the restrictions that they agreed to in the past. Furthermore, I do not believe that they would have been offered this settlement had they not improperly influenced both the Executive Branch and our law makers. Giving Microsoft this settlement shows the people of the United States and the world that justice in America does not apply to the very wealthy.

It is my sincere hope that the original spirit of the Tunney act is followed. If so, I confident that it will come out that Microsoft was able to buy a very favorable settlement. At the very least, I hope that you reject the DOJ settlement and go with the settlement proposal of the 9 dissident states. Better yet, I hope you return to the idea of breaking up Microsoft. I have been involved in the software industry for 20 years, though I have never been directly or indirectly employed by either Microsoft or its competitors, and I can say with great confidence that Microsoft, with its monopoly position, has slowed the progress of the computer industry by at least 10 years. The cost of not having competitors to its buggy and insecure software has been vast. Breaking up Microsoft will be the best thing for consumers.

Ken Kundert

MTC–00027509

From: Richard Probst
To: Microsoft ATR
Date: 1/28/02 1:45am
Subject: comments on proposed Microsoft settlement

I am writing to comment on the proposed Microsoft settlement. I believe the settlement is deeply inadequate, and should be rejected by the Court, for the following five reasons:

(1) The settlement provides no protection for all but the largest Microsoft competitors. It prevents Microsoft from blocking what is referred to as ''middleware'', but only if the provider of the middleware has sold a million copies of the application and has been in business for over a year. Thus, AOL, Kodak, and Real Networks are protected from Microsoft's monopoly power, but not the smaller and younger firms that are the true source of innovation. Instead, the settlement should prevent Microsoft from blocking middleware from the desktop, no matter who provides the middleware. Only with this provision will consumers benefit from unchecked innovation.

(2) The settlement allows Microsoft to prevent its licensees from placing non-Microsoft icons on the desktop, unless the icon competes with a Microsoft product. Microsoft should have no control over what icons its licensees can place on the desktop. As written, the settlement could allow Microsoft to block the availability of an innovative application until Microsoft had completed its own competitive offering, thus eliminating any early-to-market benefit to the application inventor.

(3) The settlement does not require Microsoft to publish its APIs until the ''final beta'' release. This is much too late to allow another firm to develop or modify an application to use a new API before Microsoft officially launches the new release. This means that Microsoft can control which applications work with a new release of an operating system at the time of the release, which gives Microsoft power to limit innovation by its competitors. Instead, Microsoft should be required to publish APIs earlier in the history of a release (6 months before commercial availability is a reasonable requirement), and to publish timely updates if the APIs change before the ''final beta'' release.

(4) The settlement requires firms that use the APIs published under the terms of the settlement to give Microsoft the code which they wrote to use the APIs. Under no circumstances should Microsoft have the right to code developed by its competitors. This provision of the settlement actually rewards Microsoft with a competitive advantage, which is an ironic and inappropriate response to illegal monopolistic behavior.

(5) The settlement does not prevent Microsoft from structuring discounts to punish its licensees who work with Microsoft competitors. It also allows Microsoft to terminate a licensing agreement without prior notice—which could prevent a hardware vendor from delivering a new computer model on schedule (for example, in time for the Christmas selling season). If the termination is determined not to have been legal under the terms of the settlement, Microsoft will be forced to reinstate the license, but the hardware vendor may already have been irreparably damaged. Instead, the settlement should require Microsoft to get prior approval for license terminations and changes in discounts.

These and other flaws in the proposed settlement have led me to wonder if Microsoft's own lawyers drafted some of the terms. The settlement is not a sufficient punishment and will not prevent further monopolistic behavior.

The Court should reject the proposed settlement.

Sincerely,

Richard Probst CC:attorney.general@po.state.ct.us@inetgw

MTC–00027510

From: Lindsay Ray
To: Microsoft ATR
Date: 1/28/02 1:46am
Subject: Microsoft Settlement

Dear Judge,

I don't think that the PFJ is the correct solution to this problem. Microsoft is a fabulous company, however, they are in direct violation to the law. They are guilty of some very serious anti-competitive violations. The PFJ does not provide an effective enforcement mechanism. What microsoft has done to many companies is very wrong and needs to be stopped. It is not fair. The world needs competition.

Thanks

Lindsay Ray 213–764–3843
CC:dkleinkn@yahoo.com@inetgw

MTC–00027511

From: Carnese, Dan
To: Microsoft ATR
Date: 1/28/02 1:47am
Subject: Re: comment on proposed Microsoft settlement

This is a correction to a comment submitted earlier this evening.
From: Dan Carnese
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 8:36 PM
Subject: comment on proposed Microsoft settlement

Microsoft has repeatedly shown bad faith in dealing with software companies.

I believe the only effective way to prevent it from future violations is to prevent those violations from being in its interest.

Dividing Microsoft into an operating systems company and an applications company is the only way to have this happen without onerous and unworkable review by an external entity of Microsoft's business activities.

As a Microsoft stockholder, I believe this is the best way to preserve and increase shareholder value, while having the company behave in a lawful and ethical manner.

Dan Carnese
560 Lakeview Way
Redwood City, CA 94062

MTC–00027512

From: kevins@indepth-tech.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:48am
Subject: Microsoft Settlement

Ladies and Gentlemen:

I whole heartedly support the proposed settlement agreement in U.S. v. Microsoft. While no settlement is likely to please all, this settlement has well thought out, purposeful remedies that will encourage technical innovation and market competition. It is time to accept the fair remedies of the settlement and allow the industry to concentrate on creating the new computing products that will create jobs and stimulate the economy.

Kevin Schuler
President
InDepth Technology
CC:kevins@indepth-tech.com@inetgw

MTC–00027513

From: Jim White
To: Microsoft ATR
Date: 1/28/02 1:48am
Subject: Microsoft Settlement

To whom it may concern:

This my public comment under the Tunney Act.

I am OPPOSED to the revised proposed Final Judgement to resolve the United States'' civil antitrust case against Microsoft as it currently is formulated (11/06/2001).

The proposed remedies are entirely inadequate to resolve ongoing anti-competitive practices by Microsoft with regard to the development and marketing of software competing with the Windows Operating System. Of particular importance is that no provision is made to prevent

Microsoft's efforts to subvert the development and distribution of free and open software that competes with Windows. Microsoft is using its many entangling End User License Agreements for both its applications (such Internet Explorer, Microsoft Office, etc) and SDKs (software development kits, necessary in many cases for practical development of applications to be used with or to compete with Windows) to REQUIRE that the End User to only use the application software on a Microsoft licensed operating system. This is blatant product tying to the monopoly Windows OS with the direct consequence of preventing the distribution of legal competing products.

Thank you for your consideration.

Signed,

James White

Software Consulant

Laguna Hills, CA

MTC–00027514

From: Deepak Shah
To: Microsoft ATR
Date: 1/28/02 1:50am
Subject: MICROSOFT SETTLEMENT

January 27, 2002
VIA FACSIMILE & EMAIL
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Sir/Madame, The Microsoft settlement proposed by the Justice Department should not be approved by the court. It does not adequately prevent Microsoft from abusing its monopoly powers. It is also a poor solution in that it will be complicated to enforce and Microsoft will have economic incentive to try to circumvent the agreement.

No doubt, there are precise legal standards that the court must follow in reviewing the settlement and making its decision. As a layman, I cannot hope to address the intricate legal issues as to what is explicitly mandated by statute and precedence—I can only speak in broad terms. My background is that of an engineer (M.S. in EECS) with 20 years of experience using PC software at work and at home and that of a founder and officer of a small software development company. I comment mostly from the perspective of an end user of PC software products.

As a businessman, I have had substantial experience negotiating, implementing, and litigating business agreements. I have found that the best agreements are those that (1) align the economic interest of the two parties (i.e. there is no economic benefit to either party to try to circumvent the agreement) and (2) are simple. The proposed settlement agreement is neither. As one example, the language in the agreement requires Microsoft to provide access to certain information only to viable business entities. In paragraph III(J)(2)(c) , the proposed settlement states that Microsoft will not be required to provide API's or Documentation to an entity that fails to meet ?reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.? Arguably, this language could allow Microsoft to exclude access to small businesses, start-ups, and Linux developers (or other non-profit type software developers) if it was in Microsoft's economic interest to do so.

For a second example, the proposed settlement requires Microsoft not to automatically override OEM settings. Paragraph III(H) (3) (b) says Microsoft must not seek permission from the end user for ?[automatic] alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer.? What does the agreement mean by initial bootup? Strictly speaking, ?initial bootup? could be interpreted to mean the first time the unit is turned on by the manufacture or the local retailer (for testing & verification purposes) and not the first time the end user turns on the machine. (As an aside, why does Microsoft need to be able to automatically override any settings? It should be sufficient to notify the user in the manual or on-line help that the user can change his settings by selecting the proper options in his application program or Windows operating system.) If such a simple item is this complicated to interpret and enforce, what does it augur for the rest of the agreement?

While it may not be the perfect solution, separating Microsoft into two independent companies meets the criteria stated above for a good business agreement. One, a breakup is simple, once it is completed, it is done—there is no agreement to interpret. Two, a breakup eliminates any economic incentive for Microsoft to circumvent an agreement because there is no agreement to circumvent once the breakup is completed.

My strong feelings about this case arise because I constantly find I have no real choice in my selection of PC operating systems and applications. As much as Microsoft's legal counsel and economists may argue about the user having choices and being better off, I find from my personal experience, that I am not.

If I am unhappy with my GM car, I can easily switch with my next purchase to a Toyota, Ford, Chrysler, Honda, etc. at zero cost. If I dislike my Sony television, I can buy a Zenith, JVC, Philips, or Panasonic, etc. without constraint. Nowadays, I have the freedom to switch phone service or my television reception from cable to satellite. Even with my PC, I can switch from Dell to IBM, Compaq, HP or others. But, I cannot switch from my use of the Microsoft operating system or Microsoft applications without cost. so substantial as to be prohibitive.

On the surface it may appear that there are alternatives to Microsoft's operating systems and applications. However, there are six barriers which effectively prevent me from using a competitor's product. First, because of Microsoft's market dominance, there is far more support from other vendors for Microsoft's products. For example, an application program or peripheral such as a printer may not be supported under either the Apple or Linux operating systems. Other vendor's import/export utilities, synchronization functions or the like may only support dominant Microsoft applications such as Word or Excel. Similarly, web sites may be designed to function best with Microsoft Internet Explorer as compared to competing products.

As a concrete example, consider my brother's experience with the Apple Imac. My brother's children learned to use the Imac growing up because of its superior user interface as compared to Microsoft windows. However, my brother is now finding that it is too difficult to support the Imac on his home network and DSL line. Vendors just do not provide the same support for Apple that they do for Windows. Additionally, it is too difficult to maintain both Windows systems (for his use) and Apple systems. Therefore, he is forced to switch the children to using Microsoft Windows.

Second, if I wish to use a non-Microsoft product in an area where Microsoft is entrenched, I will be at a tremendous disadvantage when trying to share information. I will be speaking French when everybody else is speaking English. For example, given that everybody uses Microsoft Excel or Word, what real freedom do I have to select a different word processor or spreadsheet (even if superior) when I will be unable to share files with my clients or vendors.

Third, I have invested substantial time in learning to use and debug my existing Windows and Microsoft application programs. I cannot afford to switch to a competing operating system or application and start at ground zero on the learning curve. The amount of time it takes to learn to use a new application is enormous. It far outweighs the dollar cost of purchasing the product. To become as proficient in another word processor application as I am in Microsoft Word after years of use would take months at the very least. No one can afford that cost. AS applications grow larger and more complex, this barrier grows larger and larger in Microsoft's favor.

In an interview, Bill Gates himself points out that Microsoft's biggest competitor (when they release a new operating system) is themselves. Users who have already invested time and money in purchasing and using an older version of Windows are loathe to switch to a new version because of the cost in dollars and time to install, debug, and learn the new version. Imagine then the barrier posed to a completely new operating system or application.

Fourth, there is risk that if I am using a non-Microsoft product, the vendor will eventually be forced out of business by Microsoft and I will ultimately have to switch to the Microsoft product anyway. This was the case with my Lotus and WordPerfect products. In both case, I was finally forced to switch to Microsoft products when the vendors went out of business. Now, if I need to choose between a Microsoft and competing product, the safe decision is to select Microsoft because it is likely the competitor will be eventually driven out of business.

Fifth, there is a cost to switch to a new application because of prior work (data files) that has been generated by the old application. If I have a substantial amount of prior work saved in data files produced by my Microsoft applications, switching to a competing application means I lose compatibility with all of my old work. At the

very least, I will have to spend time converting the data files with the accompanying risk of losing information or formatting.

Sixth, It is risky to use a non-Microsoft product because Microsoft has the upper hand in keeping its applications in step with operating system upgrades and taking advantage of new operating system features. Microsoft is in a position to improve its products faster because it is also in charge of the underlying operating system. By the same token, Microsoft applications are least likely to break with operating system upgrades. No competitor has that same advantage. (If Microsoft argues there is no advantage, then it should have no complaint against being separated into two independent companies).

In summary, I do not have the freedom to choose to use Microsoft products because they are superior but am forced to use them because the investment in time and potential risk to use competing products is too high. There are many examples where Microsoft did not have a superior product (or, initially, even a product), but ultimately succeeded due to its monopoly position. For a non-exhaustive list, consider the products: Word (vs. WordPerfect), Excel (vs. Lotus), Internet Explorer (vs. Netscape), Microsoft Project (vs. Symantec's Timeline project management software) and even Windows (vs. the Macintosh). In each of these cases, Microsoft did not have the first product or even the better product. Yet, over time in each case Microsoft has either put the other product out of business or become the clear-cut market leader.

In these cases, Microsoft did not succeed because it was the innovator; but because it had a monopoly in the operating system market. It could use its ownership of the operating system and its monopoly profits to enter new markets and eventually push out the competition. No other company, even dominant ones such as Lotus, WordPerfect, and Novell with all their financial resources, has been able to compete successfully against Microsoft because of the monopoly Microsoft enjoys.

Another example of the monopoly power Microsoft enjoys, is its recent decision not to include JAVA in its latest version of Windows. Given the runaway popularity of JAVA, only a monopoly such as Microsoft could risk making that decision. In a competitive environment, no operating system vendor would decide to exclude JAVA and pursue its own initiative. Microsoft can afford to do that because it wields such absolute control over the operating system market. A consumer has no alternate choice of operating systems so he is forced to accept Microsoft's decision to exclude JAVA from the operating system.

As a final example, consider the operating system called 7OS/27 developed and marketed by IBM. There can be no question that it was a superior operating system and years ahead of Microsoft Windows. It failed however because of the barrier posed by Microsoft's installed base of users. The fact that even IBM failed to make any headway in the market is further evidence of Microsoft's power as a monopoly.

Microsoft may argue that the reason for its success in all of the above examples is that it had the better product or strategy. This is patently false. Microsoft was not the first one to introduce a windowing operating system, an internet browser, the concept of a spreadsheet, a word processor, etc. Microsoft has only been successful in first copying and then outlasting the competition.

Microsoft argues that there is no need to regulate Microsoft as a monopoly because technology and the product landscape change so fast that not even Microsoft can exercise monopoly powers. I think it is just this argument taken in context of Microsoft's success time after time over the last decade that is the smoking gun. No company other than Microsoft has been so successful. It is so unlikely that in an area where the pace of change is this fast, that any one company could be so successful in every endeavor it undertakes, that it must be taken for granted that the company enjoys substantial monopoly power.

Contrast Microsoft's situation to that of microprocessors and Intel. Intel is a dominant market leader but faces fierce competition from AMP, Motorola, and others in the microprocessor market. As a result, we have seen a 100-fold or more increase in price vs. performance (comparing a 33MHz 80386 processor to a 2GHz Pentium II) over perhaps the last 10 years.

Imagine a situation where Intel enjoyed the same monopoly position that Microsoft does today. That is to say, there was effectively no competition from AMD, Motorola, or others. Without doubt, we would not have seen the same increase in performance vs. price. Intel would not have been forced to innovate and cut prices at the rate it is forced to do so today in order to maintain its market leadership. This is clearly evident from the reported news where each time AMD releases a microprocessor, Intel responds by cutting prices. Of course, there would still have been improvements in microprocessor performance if Intel was a monopoly, but nowhere near the current pace. Intel would have made slow improvements at its own unhurried pace under little pressure from others.

Microsoft has at times argued that it is not a monopoly because the price of its operating system software (as a percentage of the price of a PC) has come down over the years and this is characteristically untrue of monopoly pricing. Even if the price of software is in fact lower today than 10 years ago, it is a meaningless statistic. The relevant question is what would the price of software be today if Microsoft did not enjoy a monopoly position. As compared to the innovation fostered in the microprocessor arena due to competition, software performance has advanced relatively slowly. There certainly has not been a 100-fold increase in the performance of Microsoft's software over the last 10 years.

In considering the proposed settlement, the court must balance protecting Microsoft's rights and our system of free enterprise against the damage to society from continued abuse by Microsoft's monopoly position. I think the court must err on the side of the consumer. On a big-picture scale, there is no great damage to Microsoft, its shareholders or the concept of free enterprise by breaking Microsoft into separate operating companies. On the other hand, there is potential for great damage to innovation and free enterprise if Microsoft is free to remain a monopoly and to use its power to stifle new products and block the success of other companies.

In conclusion, the question simply comes down to whether the typical end user is better off because of Microsoft's monopoly. As a typical end user, I am firmly convinced that I am not and hope that the courts will take strict action.

Sincerely,

D. Shah

MTC–00027515

From: Roy S. Alba
To: Microsoft ATR
Date: 1/28/02 1:51am
Subject: Re: Microsoft Settlement

Dear Sir: I will attain the age of 75 this coming July 27th, and I have been following the US Justice Department's case against Microsoft since its inception, and I believe the proposed settlement is in the best interest of all the parties.

To reject the settlement and to pursue it further can only lead to killing the Goose That Lays the Golden Eggs. If not killed it would be so frightened that it would stop laying Golden Eggs.

I pray the court will approve the Settlement.

Roy S. Alba
CC:rsa1800@cs.com@inetgw

MTC–00027516

From: Frank Perara
To: Microsoft ATR
Date: 1/28/02 1:52am
Subject: FW: Microsoft Antitrust Litigation
From: Frank Perara [mailto:f.perara@verizon.net]
Sent: Sunday, January 27, 2002 10:41 PM
To: microsoftatr@usdoj.gov
Subject: Microsoft Antitrust Litigation

Dear sir's,

I am a completely satisfied customer of Microsoft products from the DOS to the present Windows operating systems. I believe that Microsoft has pioneered the computer industry and has given the consumer high performance equipment in the marketplace where others have competed fairly to provide freedom of choice at a fair price. The consumer has benefited from Microsoft products and business practices. I believe the case against Microsoft is without merit and is sponsored by those who have not been as successful in the marketplace as Microsoft. I believe the settlement that Microsoft has proposed is fair and urge you to approve it.

Thank you

Frank Perara

MTC–00027517

From: ray spence
To: Microsoft ATR
Date: 1/28/02 1:53am
Subject: Microsoft Settlement

Dear DOJ,

I am writing in response to the proposed settlement to Civil Action No. 98–1233—the antitrust case against Microsoft.

I am not in favor of the settlement terms. It seems to me that this set of requirements are solely concerned with either

1) allowing OEMs the right to alter the Windows OS desktop, boot any Windows OS computer into another non-Microsoft OS or in general work with non-Microsoft vendors to sell non-Microsoft products—or—

2) allow non-Microsoft software developers, Internet providers and content providers contractual access to the Windows OS.

I agree that what I've outlined above, and what is the entirety of the proposed settlement is necessary. I do not believe this settlement goes far enough.

Microsoft was found guilty of antitrust activities which has allowed it to occupy a monopolistic control over the computer industry. Here is a paradigm which just might provide a novel problem for antitrust legislation; to wit, the monopoly exists now, so any settlement must take steps to immediately restore fair competition to the computer software industry. Yet unlike an entity such as AT&T where simply breaking up the single company into many different corporate entities allowed competition, Microsoft's monopoly does not control from one service (phone service) but from the myriad software applications that are available from ISVs which are available *only* for Windows.

This marketplace condition creates the notion that the only viable OS choice is Windows. I believe we have arrived at this condition from the close relationship between Microsoft's Office product and the fact that Office was and is written primarily for Windows and still for only one other OS—the Macintosh OS. As Microsoft used both legal and illegal paths to place both these products at the forefront of all IHV concerns the business world came use these two Microsoft products seemingly without exception. If a company chose to use Office it commonly chose Windows as its OS. At the present time it seems that Office and Windows are just two more tools on any corporate desk alongside pens, scissors, paper staples etc. But the difference from the other tools is that Windows and Office come from just one single company whereas one can pick and choose from many sources for their pens and paper. The most salient fact in this case is that Microsoft is indeed a monopolist yet the question as to just how to reduce this monopoly is still unanswered in this proposed settlement. Clearly the DOJ needs to address the current state of Microsoft's monopoly.

My assessment of the main two targets of this settlement above do nothing to reduce Microsoft's monopoly. Furthermore I firmly believe that unless the above corporate dependence on Microsoft Office is reduced Microsoft's monopoly will continue. The only meaningful solution is to somehow separate either Windows or Office from Microsoft's control. I would guess that this approach was intended in the first decision to break Microsoft into two or more companies.

Although I support such a corporate division if that path isn't available then I propose forcing Microsoft to divest itself at least of the Office suite of applications. The second requirement would be that the new Office owner must make Office available to other OS products other than Windows on an equal update schedule. Then the computer-using world should get closer to a real choice at least in the OS market, which is the true kernel of this monopoly.

Sincerely,

Ray Spence

MTC–00027518

From: Robert Wohlfarth
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

The Microsoft Settlement, in its current form, offers little protection to consumers from monopolistic practices. Microsoft is permitted to continue bundling unneccesary software with its operating system. And it may continue to exclude competition through license agreements. The license agreements are the greatest threat to consumers. They prohibit computer makers from using any software but Microsoft. The software license prohibits a user from researching software problems, even if Microsoft refuses to acknowledge those problems.

These license provisions allow Microsoft to run roughshod over consumers. And only strengthen its monopoly position. The current settlement does not appear to address these issues.

Thank you for considering these comments.

Robert Wohlfarth
rjwohlfar@galaxyinternet.net
Chesterfield, IN

''Is not life more important than food, and the body more important than clothes?''—Matthew 6:25b

MTC–00027519

From: darrell
To: Microsoft ATR
Date: 1/28/02 1:54am
Subject: Microsoft Settlement—Destroying Credibility of Justice System

Gentlemen:

The Microsoft settlement is legitimately destroying any credibility the justice system might have had in administration and regulation of antitrust laws. Yes, I know lawyers love to point out it is a legal system rather than a justice system. However, in the long run effective government must reflect some rough notion of equal protection, government not for sale and some approximation of morality and ethical conduct. The Microsoft case and settlement dramatically illustrates the complete lack of those values being reflected in the ''system's enforcement'' of legal rules of behavior. By the way, it isn't the ''system'' simply because you are a person reading this; please wake up and do your job —''Judge''.

Over 30 years ago, I took a single MBA course on antitrust law. It was very clear that predatory pricing policies were strictly illegal, under both Sherman and Robinson-Pattman. When Microsoft priced its competitive product at $0 it was obviously the ultimate predatory pricing policy. It is amazing and embarrassing that it took the government over three years to conclude what was common knowledge on the streets of America as we watched Microsoft drive Netscape out of the business with a $0 price.

Furthermore it was a lame excuse that because it was technology, somehow the antitrust laws did not apply. If you recall people used the same lame excuse to monopolize weaving looms earlier in the last century. As incredibly slow and inept as it was, the court finally concluded what was obvious when viewed cleanly. Without the confounded web of minute bafflegab supported by the economic might of Microsoft to bring any legal argument on antitrust from the last 100 years up for discussion, a reasonable man could have had the case concluded in about a week, at least in my opinion. The result for Microsoft has been to delay a court decision out of the realm of timely relevance.

The current settlement does nothing to insure behavior will change nor punish that behavior in any way that has effective business force sufficient to curb it in the future. The simple fact is that Microsoft is a monopoly. Furthermore, it has used and is using that power to ever extend that monopoly to the net and beyond. They are again doing it thinly veiled, openly in defiance of national law.

As an MBA/MSEE/CEO with over 25 years in the electronics industry, I can testify that the current settlement is a pathetic travesty of justice and law. From my point of view, an appropriate and practical remedy would be to break Microsoft into 6 Companies, all with the same code sources to start out, no interlocking ownership allowed and let each segment markets and compete like everyone else. That solution or one like it would solve the problem because each of those companies could choose to supply source or not to customers, add special features for target markets, and each would be forced to serve their markets aggressively or have it taken away by someone willing to do a better job—Just like everyone else! That solution or others that would really work are not hard to come up with; however, Microsoft clearly will not like it; which in turn is a good indication it would be a good solution. Any notion that a team of lawyers and bureaucrats could control Microsoft's behavior through administrative mechanisms independent of their wealth, power and influence is an expensive exercise in futility.

As a practical matter, it simply won't work.

Currently reported massive lobbying efforts by Microsoft and their failure to disclose contacts and/or who they have given money to gain influence renders Government authority over the rich laughable! Somewhere along the line the judicial system must recognize that the appearance of impropriety does damage to it's very credibility. In the public eye Microsoft has not only bought off the US Government but the government has provided an overly complex legal framework to allow obfuscation of the core elements of antitrust laws. Yes, I know bought off implies direct gangsterism but the effects of massive money are indirect and probably more damaging to our society. Influence on the political system is secured through massive lobbying and ''political contributions'' which in turn influence the courts. The Tunney Acts recognized the antitrust influence mechanisms. Those acts required at least disclosure.

Somehow the Microsoft legal team continues to obfuscate even those explicit laws while they continue to avoid effective remedies against their monopoly.

I strongly urge the current court to reconsider a different break up of Microsoft and secure a solution that is widely expected to work. The high tech software industry does not inherently follow large economies of scale that might justify a larger single company being the supplier of all software on the planet. Instead the most efficient economic production is achieved with smaller companies focused squarely on specific needs. All the downsizing and reorganizing of the last decade, even during strong economic times, attest to the ''right sizing'' of high tech companies. Even premier electronics companies such as Hewlett Packard have historically kept profit centers and business units below 400 people or so. At least until the original founders retired or passed on that system has worked well for them. More recently, when that company began operating in a monolithic mode, troubles began.

Incidentally, I am a republican.

Sincerely,

Darrell L. Wilburn

Saratoga, California

CC:dgillmor@sjmercury.com@inetgw

MTC–00027520

From: Steve Sergeant
To: Microsoft ATR
Date: 1/28/02 1:55am
Subject: Microsoft Settlement

Comments regarding Proposed Final Judgement

United States v. Microsoft Corporation

Civil Action No. 98–1232

I am writing to express my disapproval with the Proposed Final Judgement as it currently stands. I fully agree with the comments filed by Ralph Nader on this matter <http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html>. In Judge Jackson's findings of fact, he identifies the key to Microsoft's ability to maintain their monopoly power: The withholding of the technical details necessary for potential competitors to develop interoperable products.

The Proposed Final Judgment specifically denies access by non-commercial software developers to full documentation of Microsoft interfaces and file formats. The most likely threat at this time to Microsoft's monopoly position is from the non-commercial, volunteer collaborative efforts of ''open source'' software developers. A truly effective remedy would allow such developers to access any information necessary to build operating systems that are interoperable with Microsoft application programs, or to build application programs which interoperate with application programs or operating systems produced by Microsoft.

The final judgment must not permit Microsoft to discriminate who can purchase technical information about their products. Allowing Microsoft to discriminate only perpetuates their monopoly. This technical information must not be licensed in any way that restricts any other developer from creating a competing or interoperable product, for clearly the purpose of the remedy is to encourage competition.

This case is our best hope, as consumers of personal computer products, that competition and a free market will return to the software industry. When the average person can walk into any store that carries computers, software, or related accessories and find a wide range of options that are in no way dependent on Microsoft, then this case will have succeeded. Otherwise, I feel this case will have failed to enforce the anti-trust laws.

Steven E. Sergeant
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PCS/Cell: 408/829–7372

MTC–00027521

From: D. Mark Abrahams
To: Microsoft ATR
Date: 1/28/02 1:57am
Subject: Microsoft Settlement

The proposed settlement is a bad idea—it is not in the public interest. There are numerous problems with it.

The problem I wish to emphasize is that it does not adequately allow developers using competitive operating systems (for example, Linux) to provide mechanisms so that duly-licensed copies of Microsoft applications can be made to run on the competitive operating systems. This helps continue Microsoft's monopoly on operating systems (and, in turn applications).

Thank you for your consideration.

D. Mark Abrahams

President, Abrahams-Rizzardi Inc.

(a very small independent software consulting firm)

Berkeley, CA

ph (510)524–1294

MTC–00027522

From: GRRaisler@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:56am
Subject: Microsoft settlement

Sirs: Tomorrow the trial against Microsoft, which began months ago, will continue on. I sense the citizens of The United States and the world in general long for a resolution to put this trial behind us.

Since September 11th, we need not dig more holes to hinder our future, but let the amazing talent of all our technological companies deliver superior products.

Thank you for your time,

Gordon Raisler

MTC–00027523

From: Betty Marler
To: Microsoft ATR
Date: 1/28/02 1:57am
Subject: Microsoft Settlement

I believe in Microsoft and want to support them but I am not sure how to do that. I am so tired of reading about the lawsuits against them and the judges who seem to be trying to destroy the company with their decisions.

You would think that our government would be doing everything they could to support a company like Microsoft! It has had such a positive impact on our economy. Instead of being proud that our country has a company that is a leader in technology, it seems the government is trying to destroy Microsoft. Do whatever you have to do to support them so they can spend their time, energy and money to innovate instead of defending their success.

MTC–00027524

From: Mickey Aberman
To: Microsoft ATR
Date: 1/28/02 1:59am
Subject: Microsoft Settlement

Public Comment:

I have no dog in the Microsoft fight. Nevertheless, I have been following the case since the trial started. Microsoft was proven to have committed massive antitrust violations. During the trial it was caught falsifying a demonstration, and its executives were caught lying many times. The court of appeals en banc upheld the findings of serious violations and monopolizing on a scale that is huge. This was apparently the full court of appeals, comprised to a large extent of conservative judges).

How can Microsoft have any hope of avoiding massive punishment?

A defendant one-tenth the size, whose violation had one-tenth the scope, would be trying to keep its executives out of jail.

The Microsoft settlement is surreal (and unfairly favorable to the Defendant). It looks like political connections or intimidation have prevailed over justice.

Microsoft really needs to be broken up into three parts.

John M. Aberman
2145 Radcliffe Avenue
Charlotte, NC 28207
(704) 372–5646

MTC–00027525

From: Mark Johnson MD
To: Microsoft ATR
Date: 1/28/02 1:58am
Subject: Microsoft Penalty is Grossly Inadequate; I too have been greatly harmed!

To whom it may concern:

I feel compelled by duty to communicate my dismay and disappointment regarding the current terms of the Microsoft settlement.

Frankly, the Justice Department sold out.

After essentially a decade of similar allegations and toothless consent decrees, Microsoft has finally been conclusively proven in our nation's courts to have illegally used its monopoly power to dominate new markets. There is no question that a majority of consumers have experienced harm by Microsoft's business practices, even if most remain unaware of this harm.

Microsoft has been very successful in serially establishing its own software offerings as industry standards, which admittedly has some consumer merit. However, all along the way, better offerings from other innovative and worthy companies were destroyed or rendered utterly irrelevant in Microsoft's trademark fashion. Microsoft's office suite and web browser were ''good enough'', but would not have competed successfully with products from other companies (ie WordPerfect, Informix, and Netscape) had they not been so closely tied

to contractual distribution obligations with the Windows operating system. In large measure, Microsoft has removed consumer choice and often reduced discerning consumers to nothing but followers. Those who venture away from Microsoft solutions know that they run the risk of obsolescence or irrelevance. This is a very stifling revelation. We should expect to base our software purchase decisions on quality, reputation, and value. We should not be dissuaded from purchasing from a given vendor simply because they conflict with Microsoft's latest growth strategy. Look at WordPerfect, Netscape, and Apple as prominent examples of reputable companies whose loyal customers, in many cases, have been severely harmed or detracted by the anticipated consequences of Microsoft's business practices.

Too many worthy companies with innovative, quality products have been reduced to irrelevance for anyone to be justified in laying the blame on them or their management. If they are in a market that Microsoft wants, they will never win. Period. Look at Netscape's travails for a prime example.

Finally, I have one profound example of personal harm. Long before the Palm Pilot, or Microsoft's Windows CE machines were available, I embarked on software development for Apple's Newton handheld. Several years later, just as my small company was about to release our first major solicited product, Apple showed signs that it was going to discontinue the Newton platform. Even more interesting was the fact that a business interest liked our product so much that they considered purchasing the entire Newton division from Apple, just to keep our product viable. We met with several key people at Apple under non-disclosure and, prior to terminating our discussions, were warned that we would feel intense pressure from Microsoft. We would be in their ''cross-hairs'' even as Netscape was at the time, and as Palm would be in the near-future. We were advised that, consequently, this would become a non-sustainable business. Three days later, Apple announced to the world that it was indeed discontinuing the Newton, which business decision likely cost me well over $1 million. And general consumers of the Newton were left with expensive machines, but no future. In summary, Microsoft's business tactics have greatly harmed me and have certainly harmed most consumers in general.

Please, remedy the Microsoft problem in such a way that this whole court proceeding is not similarly reduced to irrelevancy (or worse, implied endorsement.) Sadly, I fear that the terribly important points of this case were somehow lost in the change of administration and the general economic downturn of Sept. 11. Microsoft's punishment strategy was clearly to put forth delays in settlement until a sympathetic administration (or judge or settlement offer, or set of world events, etc) would surface, and this is exactly what seems to have happened. Nevertheless, a tempered (ie really punished), Microsoft would become a better corporate citizen. Healthy competition based on merit, not coercion, must be restored, in order to ultimately benefit all consumers.

Most sincerely,
Mark R. Johnson, MD
(801) 944–4950
1899 East Siesta Drive
Sandy, UT 84093
mjohnsonsprint30@earthlink.net

MTC–00027526

From: Zardus@nbwrpg.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:51am
Subject: Microsoft Settlement

Hello. I am writing to join the many people to comment on the Microsoft settlement. I don't think that Microsoft is being punished enough for the following reasons:

1. Microsoft uses its dominance in the market to elbow out competition. This one is obvious, and the settlement doesn't do much to help this. It might require that MS release their API, but it only requires it to release the specs after they've implemented them. That could take other companies months to keep up, letting Microsoft still dominate the market.

2. Microsoft spreads FUD (fear, uncertainty, doubt) about Linux, MacOS, and other competitors. Most of this FUD are lies, made simply to keep people from using a superior product.

3. Microsoft is very obviously anti-competitive. Little shows that more than their recent lawsuit against Lindows.com. Their claim, that Lindows will be confused with Windows XP, is very ridiculous if you look at the logos and the names. The lawsuit is more likely an attempt to get Lindows.com out of the market before they can threaten MS's power and further Linux in the real world.

For those reasons, I think that Microsoft's punishment should be more severe. Please consider this in your decision.

Yan Shoshitaishvili
Tucson, AZ

MTC–00027527

From: Blake Couch
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement

The proposed settlement is, in a word, a joke. Where are the financial penalties that might actually make Microsoft sit up and take notice? Where is the divestiture that might actually remedy the damage that they have caused? This citizen says ''thumbs down'' to a settlement that does virtually nothing to punish the greatest corporate felon of the last fifty years.

Sincerely,
Nicholas Couch
Englewood, Colorado

MTC–00027528

From: olivier@tesla.intra.calle.org@inetgw
To: Microsoft ATR
Date: 1/28/02 2:04am
Subject: Microsoft Settlement

I wish to express my opposition to the Proposed Final Judgment with Microsoft.

I do not believe the proposed remedies will do anything to curb the behaviors of Microsoft which were found to be in violation of antitrust laws when the company was found guilty.

For example, the proposal includes many opportunities or loopholes for Microsoft to exclude itself from API disclosure requirements. It can simply claim that there are security reasons for not documenting an API. It can itself define who is a true competitor. Why does this Proposed Final Judgment allow Microsoft such leeway in deciding itself whether it con be excluded from a requirement of the Proposed Final Judgment?

Allowing Microsoft to claim security as a reason to not disclose an API is ridiculous. Unix and Unix-like operating systems describe all their APIs clearly, some even give you all their source code (Linux, FreeBSD, OpenBSD, etc.) and do not consider this a security problem at all.

Security through obscurity, as it is called, is most definitely not better than security through open discussion, availability ond peer review, and in my opinion (and that of many security experts) is worse. I believe that this particular exception to disclosure should never have made it into the Proposed Final Judgment.

My opinion that the Proposed Final Judgment lacks any true corrective power goes beyond the comment above, but applies to it as a whole. I believe that this Proposed Final Judgment heavily favors the guilty in these proceedings and fails to adequately represent the United States of America. We the people, represented by the Department of Justice, received a verdict of guilty against Microsoft, yet it now seems that we are backing down in the sentencing phase. The fact alone that the guilty party in this matter likes this Proposed Final Judgment makes it suspect beyond specific problems with it.

In summary, I believe the Proposed Final Judgment is not in the public interest. It does not seriously, nor effectively address the illegal behavior of the convicted monopolist, Microsoft.

Respectfully submitted,
Olivier Calle
Senior Software Engineer, Citizen of the United States of America
PO Box 752
Marysville WA 98270–0752

MTC–00027529

From: Pedro Celis (wrnha)
To: Microsoft ATR
Date: 1/28/02 2:06am
Subject: Microsoft Settlement.

Republican National Hispanic Assembly of Washington State

Dear Sirs,

As Chairman of the Republican National Hispanic Assembly of Washington State we offer our endorsement of the agreement reached by Microsoft, the U.S. Department of Justice and nine states. The settlement should be accepted not only for its specifics, but also for the principles that it represents. Whenever conflicts arise, our government should strive to find common ground and reach compromises with business. Negotiation and settlement is a better model for government-business relations than litigation. It is unfortunate that the dispute between Microsoft and the government has already resulted in such a long and costly trial.

Better still, government should seek to minimize its interference with the competitive market place; it should work as an ally with, not an adversary to, business.

Litigation is never good for business or industry. Because virtually all businesses rely on technology, the Microsoft case affects us all. As the case proceeded, it appeared that government, not the competitive marketplace, might establish the direction of technology. Such an event would have proved disastrous for the technology industry, for the greater business community, and for the economy. We are happy to see that a comprise and agreement has been reached between these parties and we encourage you to accept this settlement.

This settlement would be fair and reasonable at any time, even if our economy was growing at a rapid pace. However that is not currently the case, and for that reason it is all the more important that the settlement be finalized and the American technology industry starts to benefit from a public policy that minimizes costly regulation, ensures competition, and promotes fair trade and intellectual property enforcement in international markets.

Sincerely Yours,
Pedro Celis, Ph. D.
Republican National Hispanic Assembly
Washington State Chairman

MTC–00027530

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 2:09am
Subject: Microsoft Settlement

I would like to comment on the ''Proposed Final Judgment'' (PFJ) to resolve the USDOJ's antitrust case against Microsoft. First, it seems to me very likely that if this PFJ is approved, Microsoft's leadership will proclaim themselves to have been vindicated (despite conviction, which was upheld on appeal), and that they will proceed to ridicule and demean this judgment much like they did the previous consent decree, the abrogation of which led directly to this antitrust case. The reason behind my assertion is that the PFJ neither punishes Microsoft for any of their illegal acts, nor remedies the effects of those acts, nor offers any substantial protection against the likelihood of Microsoft committing similar illegal acts in the future. The PFJ leaves Microsoft's monopoly intact, leaves Microsoft with an extraordinary amount of cash that they have obtained from their monopoly, and allows them to continue leveraging their monopoly to compete unfairly with other businesses.

It seem obvious that the only way to protect other businesses from unfair competition based on Microsoft's monopoly is to isolate the monopoly products and their profits from Microsoft's other business concerns. A crude way to do this would be to split Microsoft into two pieces: a monopoly platform software business, and an independent non-monopoly business. This is what the DOJ originally proposed and Judge Jackson ordered, so it is surprising that such a remedy is no longer under consideration. I wonder why that is?

There also exists an alternative approach to this problem that is simpler, may be more effective, and almost certainly would be much more beneficial to all sectors of the public: release Microsoft's monopoly platform software products under a strong open source license such as the GNU GPL.

This would satisfy Microsoft's OEMs by allowing them full access to the source code and giving them the right to modify and reproduce the software freely; it would also ensure Microsoft full access to any further developments made to the code base; but the critical effect would be to eliminate Windows as a monopoly, therefore eliminating all prospect of Microsoft abusing that monopoly. (Microsoft would also have to give up the Windows trademark, which should be assigned to a standard group, such as has already been done with the Unix trademark.) While this may seem a bit unconventional, the basic fact is that open sourcing Windows would put it on the same footing (except for its vast advantage in legacy applications and hardware support) as its only remaining competition (Linux and BSD Unix). We also know from experience with open source software that it can continue to be developed and even become significantly more robust even without business sponsors.

I don't see how anything less than such a solution begins to solve the monopoly leverage problem. However, if you must limit yourself to a ''behavioral'' solution, the PFJ needs to be strengthened in several ways:

1) You should require that Microsoft publish and strictly adhere to a price list for all Windows-related operating system platform software, and all applications software that runs on Windows platforms. The PFJ limits this to the ''top 20'' OEMs, but the broader requirement would simpler and clearer to implement and monitor, and would be less tempting to Microsoft to abuse.

It is important here to include applications software in order to limit (at least make public) any suspicion of Microsoft using their platform software monopoly to subsidize their applications software busienss. Moreover, there should be no exclusions for ''market development'' consideration, since any such exclusion would allow Microsoft to cut inequitable deals, and because with a monopoly already in hand there's no need for market development.

2) The prohibitions against Microsoft retaliation have too many exceptions. Is there really any reason to permit Microsoft to retaliate against an OEM other than non-payment or impropriety in accounting?

3) All Microsoft interface specifications and documentation that are made available to OEMs, IHVs, ISVs, etc., should be made available to all parties on equal terms. In particular, there should be no discrimination against noncorporate developers or users (especially open source software developers). There should be no restrictions in Microsoft licenses or contracts against reverse engineering.

4) There should be a requirement that formats for all data that is stored to disk by Microsoft platform software and/or operating systems be documented and freely licensed; this is intended to eliminate one significant method that can be used to lock current customers in and unfairly perpetuate Microsoft's monopoly position (although it would be a good rule to apply to software companies, as it protects users'' investments in their data).

5) There should be some form of oversight to prevent Microsoft from using lawsuits to hobble potential competition, including open source software developers.

6) There should be severe restrictions against Microsoft buying other companies. In general, it would be much more appropriate for Microsoft to pay its monopoly profits out to shareholders as dividends which would be reinvested diversely than to allow Microsoft to extend its monopoly through acquisition.

7) The ''security'' loophole needs to be carefully monitored to prevent abuse.

It's not clear what the enforcement mechanism in the PFJ is. There needs to be a method to prevent Microsoft from acting in violation of the agreement, rather than depending on decade-long post facto litigation.

The Technical Committee proposal needs to be expanded to include some degree of oversight and review from more sectors of the public. The PFJ seems to be preoccupied with concerns of OEMs, but there are many other recognizable groups which have distinct concerns, including the open source community and several classes of end-users.

An important thing to note in these nine points is that not only do they fall short of a structural or open source remedy, they are actually much milder than traditional monopoly regulation, which often requires regulatory approval of prices and contract terms and strictly prohibits non-monopoly business activities. (E.g., AT&T before their breakup.)

Another thing to note is that while Microsoft has effectively destroyed any possibility of another commercial software company challenging them in the areas which they monopolize, it is still possible that Microsoft's behavior can be mitigated by market factors due to open source software. Open source already operates at a considerable disadvantage vs. Microsoft (look at Microsoft's balance sheet), so we need to be very careful that nothing we do here further disadvantages the open source alternative.

I've also read the dissenting States'' counterproposal, which is much clearer and preferable regarding OEM contracts and retaliation, but contains several proposed remedies that are, I think, counter-productive. These include:

1) Open sourcing Internet Explorer: While this has some poetic justice, IE (assuming it is extractable from Windows, which Microsoft contends it is not) has no value as open source itself, especially without a strong commitment (which can hardly be mandated) from Microsoft to the open source process.

2) Requiring Microsoft to distribute Java: This strikes me as inappropriate direction to Microsoft (it is one thing to tell Microsoft not to do something, but forcing them to do something they do not want to do is not likely to be a happy solution for anyone); it also strikes me as inappropriate to mandate Java as a standard, especially given that it is controlled by a private company.

For whatever it's worth, I am a software engineer and writer. I've used Microsoft

products extensively for over 20 years, as well as Unix for a similar period, and have worked on software products for a similar period—both applications and system software, including operating systems and programming languages.

I feel that Microsoft did some remarkable work in their earlier years, but I've noted that their products have deteriorated and become markedly more ominous, especially since Windows 95 and the advent of IE, although one might also dateline this against the emergence of Bill Gates as the world's richest man. When I was growing up it was often said that ''power corrupts, and absolute power corrupts absolutely''—I think we've started to see the fruits of that truism in Gates and Microsoft. At the start of this antitrust case it was often opined that the case would amount at best to ''too little, too late.'' If you accept the PFJ, that opinion will be affirmed, and it will be left to some future generation to stand up to the corruption of Microsoft's power. I pray that this court can and will stand up for us now.

Thank you for the opportunity to comment.

Tom Hull

thull at kscable.com

http://www.tomhull.com/

MTC–00027531

From: Patrick Melody
To: Microsoft ATR
Date: 1/28/02 2:10am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regard to the Microsoft Settlement. I am troubled by the settlement as it does not appear to do anything to remedy harm caused by Microsoft's actions nor do anything to promote the public good. As background information on myself, I have a master's degree in computer science and have worked as a professional programmer since 1995. Previous to this I have used and programmed computers as a hobby since high school in the early 1980s.

The operating system is the lowest level of software on a computer, on which all other software running on the computer depends. The value of a ubiquitous operating system to the public is that it provides a unified platform on which to target applications. Program developers need learn only this one system, and large numbers of users may then enjoy the availability of numerous application programs.

Furthermore, these users can easily interoperate with each other since they all share the OS as a common infrastructure. The value of a ubiquitous operating system to it's owner is the dependence of millions of users on the owner. This dependence can be used to leverage dependence in other areas besides the OS. The Internet ''works'' and has enjoyed great success because it was built on open protocols that are independent of any particular hardware or software program. Even though you and I may use completely different hardware platforms, operating systems, and/or email programs, we can still exchange email with no difficulties. Even though our web pages may be produced with different authoring programs and we may use different web browsers, we can still read each others web pages. This is due to the open protocols and data formats used on the internet. In the age of the disconnected desktop computer, the operating system was the common substrate. In the age of connected systems a new common substrate as appeared: communications protocols and file/data formats. The benefit of the public to these open protocols and formats is clear: the ability to have software written by anyone interoperate seamlessly and effectively with software written by anyone else.

First, any networking protocols used by Microsoft must be fully published and approved by an independent network protocol body before any Microsoft software using them is deployed. This especially applies to the .NET and associated Hailstorm and Passport technologies, which Microsoft is clearly positioning to be tomorrow's ubiquitous software infrastructure. The purpose of this is to ensure the ability of anyone's software to interoperate with Microsoft software and prevent Microsoft from using their OS monopoly to gain a monopoly over internet usage.

Second, any file formats used by Microsoft must be fully published so that these files may be read and written by independent developers, again to ensure interoperability with Microsoft's software.

Finally, there must be effective provisions for the settlement to be enforced since a settlement that can be ignored without severe repercussions is no settlement at all.

Microsoft has repeatedly indicated it feels it has done nothing wrong and that this entire case is an unjustified imposition on it, even going so far as to fake video evidence in front of a federal judge. Such a defendant cannot be trusted on its own recognizance. The current settlement has no teeth.

Microsoft will undoubtedly cry that these measures are unfair. However, the rules of business are different for monopolists than for non-monopolists, and there must be a penalty for monopolists found guilty of illegally maintaining a monopoly as Microsoft has done. As such, these measures are not unfair and would greatly serve the public interest by allowing nonmonopolist software to interact on even ground with the monopolist's software, allowing more competition and more options to the public in choosing their products and services.

Sincerely,

Patrick J. Melody

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pjmelody@concentric.net

pjmelody@acm.org

MTC–00027532

From: B. Kosnik
To: Microsoft ATR
Date: 1/28/02 2:11am
Subject: against settlement as currently proposed

I am sending this as a concerned US citizen who works in the information technologies field. I am saddened that this promising lawsuit might end up doing so little.

The settlement will still allow Microsoft to extend and keep private all of its office application API, as well as office application file formats and intra-application communication protocols. Allowing this, in my opinion, is giving Microsoft consent to continue on as a monopolist in the desktop OS and desktop application space.

It is imperative that all Microsoft file formats be released publicaly, along with Microsoft-supplied validation suites to ensure format fidelity. These formats should be freely licensed to all, allowing even software that is not sold (ie free software) to make use of these formats for data interchange.

Note that this allows all kinds of information tools, free and non-free, but explicitly demands a level and competitive playing field.

Thanks,

Benjamin Kosnik

CC:bkoz@redhat.com@inetgw

MTC–00027533

From: Rob Pegoraro
To: Microsoft ATR
Date: 1/28/02 2:17am
Subject: Microsoft settlement

I oppose the proposed settlement for the reasons set out in the article below, which I wrote for the Washington Post in early November. Although I wrote it on my employer's time and money, it does not necessarily represent the Post's views on this matter. I can, however, attest that it accords with the opinions of a great many readers, if my own e-mail is any evidence.

Sincerely,

Rob Pegoraro

By Rob Pegoraro

Friday, November 9, 2001; Page E01

What are we going to do about Microsoft?

The government has been fretting over this question for the past decade. So far, it has compiled an impressive record of the things Microsoft has done wrong in the past.

Unfortunately, it always seems to find out about these abuses after the damage has been done. And it has yet to effectively address what Microsoft might do in the future.

The proposed settlement between the Department of Justice and Microsoft announced last week continues this embarrassing tradition. It's not just that this slim document fails to mandate any punishment for breaking the law (the next time I get a speeding ticket, can I negotiate this kind of arrangement, too?), or that its numerous ''nothing in this section shall prohibit'' clauses appear to vacate most of its provisions. The real problem is that it focuses so much on the individual PC desktop, when Microsoft is moving on to other battles.

This settlement spends much of its time trying to carve out space for PC manufacturers to add non-Microsoft ''middleware'' to run a broader set of applications. This would have been a laudable goal half a decade ago, when PC vendors aggressively experimented with their own front ends for Windows.

As the court case thoroughly documented, Microsoft didn't like this creativity one bit and quickly quashed the manufacturers'' dissent. In response, the proposed settlement's first prescription begins with the phrase ''Microsoft shall not retaliate'' and goes on to stipulate how Microsoft must treat all its licensees equally and fairly. The hope is that this government-mandated liberty will

encourage PC builders to offer choices outside the Microsoft way.

''I think it's going to help,'' said Daniel Morales, a vice president with MandrakeSoft, a Linux distributor in Pasadena, Calif. But he warned: ''There's a lot of details that are very slanted towards Microsoft.''

None of the manufacturers I contacted wanted to speak, on or off the record, about any of their plans once the settlement goes into effect. Most didn't want to comment about the settlement at all. It's remarkable how many different reasons these companies offered for not talking about the biggest issue in the industry in a decade.

But neither the manufacturers'' sudden case of laryngitis nor any subsequent failure to offer new choices to consumers should surprise anybody. In the bruised, battered PC business, there's nothing to be gained by alienating your biggest supplier. The agreement can't repeal this law of human relations.

''In the real world, there are ways to express displeasure without violating that agreement,'' said Dan Kusnetzky, vice president for systems software research at IDC, a leading industry analysis firm. And Microsoft often doesn't appear to understand that the phrase ''abuse of monopoly power'' isn't a compliment. It continues to push its Passport user-ID system on customers in the hope of turning this scheme into an Internet-age Social Security number—I've had to enter my Passport login just to download a software update. Windows XP relentlessly promotes Microsoft's own software, services, formats and marketing partners. Just weeks ago, the company locked non-Microsoft browsers out of its MSN.com site.

The proposed agreement's more promising terms apply not to computer manufacturers but to independent software developers. The deal would require Microsoft to document all its applications programming interfaces, or APIs—the ways programs work with Windows itself— as well as some of its networking protocols.

That's a fine start. But the agreement fails to tackle Microsoft's other big leverage point—its proprietary file formats. ''The reason I can't walk into an organization and say ''I'm going to use my Linux box'' is that people will send me Word documents that I can't read,'' said Jeremy Allison, co-author of the Samba cross-platform networking program.

The Microsoft Office formats are the classic case of this lock-in. Developers of competing word processors and spreadsheets have little choice but to make sure their products can read and write these proprietary formats.

''We don't get any help from Microsoft,'' said Iyer Venkatesan, Sun Microsystems'' product manager for the StarOffice productivity suite. Some documentation is available, but it's ''incomplete and full of errors and inconsistencies,'' e-mailed Shaheed Haque, a developer of the KOffice suite for Linux.

Sun would like to see Microsoft's formats turned into open, published standards. Allison would like to see the same thing done for all of Microsoft's communications protocols, beyond the settlement's limited requirements. With open access to the Windows APIs as well, said Kusnetzky of IDC, ''it would make it much easier to create an collaborative environment.''

There's a model for this sort of requirement—telephone and electric utilities, which developed into monopolies and now are required to open their facilities to competitors.

But the Microsoft agreement doesn't follow this particular logic. It still could—should—be amended. But what if it isn't?

Microsoft is an odd company to contemplate. It employs a lot of smart people and can produce software of amazing quality. But it also has repeatedly broken the law and shows few signs of having learned its lesson.

If you don't want Microsoft's way to be the only way, there are things to consider.

Does the need to work with the same files as your Windows-using colleagues mean you need to use Microsoft applications, too? Does it even require you to run Windows itself? Are there better choices in Internet access than Microsoft's MSN? Even if Microsoft prods you into signing up for a Passport account, do you actually need to use it?

In other words: What are you going to do about Microsoft?

Living with technology, or trying to? E-mail Rob Pegoraro at rob@twp.com.

Rob Pegoraro
703/812–4862
2400 Clarendon Blvd., #214
rob@pegoraro.net
Arlington, VA 22201

MTC–00027534

From: Kyrieeleeson@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:18am
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,
Vince Bradley
5329 Summerlin Road
Fort Myers, FL 33919

MTC–00027535

From: David O'Brien
To: Microsoft ATR
Date: 1/28/02 2:23am
Subject: Microsoft Settlement

The proposed settlement as it stands will not curtail Microsoft's actions in the computer industry. It does not go far enough to restrict Microsoft to legal and fair play. One can easily see parts of it are vague and Microsoft will be able to drive an 18-wheeler thru the loop polls in it.

Microsoft did not take the 1995 DOJ agreement seriously, nor will it take this current agreement seriously.

Please do not accept and approve the proposed settlement as it currently stands. Please send it back to the drawing board.

David (obrien@NUXI.com)

MTC–00027536

From: Ramon G. Pantin
To: Microsoft ATR
Date: 1/28/02 4:54am
Subject: type Microsoft Settlement

Dear Department of Justice representative,

Attached is an HTML document with my comments about the settlement proposed. I have included my background and contact information in that document. Please feel free to contact me at:

rgp@scalio.com
or at home at:
425–889–1043
if you have trouble with the attached documents.

Sincerily,
Ramon G. Pantin
CC:rgp@veritas.com@inetgw,Argenis Tovar

MTC–00027537

From: Ed Dunphy
To: Microsoft ATR
Date: 1/28/02 2:20am
Subject: Microsoft Settlement

CC: ed@instantsoft.com@inetgw
Ed Dunphy
President and CEO
InstantSoft Inc.
476 East Campbell Ave,
Campbell CA 95008
(408) 871–3092
ed@instantsoft.com
Suite 200

To: US DOJ
Subject: Microsoft Settlement
Date: Jan. 27, 2002

Your Honor,

I run a small independent software company (ISV) located in Campbell California which is next to San Jose. We have about 10 people and we work with programmers from all over the world. We have chosen to be in the software industry and therefore I would like to exercise my right to provide to you my opinions as a technical professional executive. Please let me first tell you a little bit about my background.

I was born in Washington DC in 1950. My father was a Colonel in the US Army and was in the Judge Advocate Core. He also practised in the U.S. Supreme Court and my mother worked for the Dept of Commerce. My mother's father was the Governor of Montana and another great relative was territorial Governor of Hawaii appointed by Roselvelt and bumped out of office when marshal law was enacted during the attack on Pearl Harbor.

In 1973 I received a Masters Degree in Computer Science Mathematics and Statistics from the University of New Mexico where I was raised. My professors were mostly from

Sandia and Livermore Labs. Immediately after college I worked at the Air Force Weapons Laboratory with all appropriate clearances. It was 1972–3 when Microsoft started in Albuquerque working on schemes to bundle their basic interpreter with memory upgrades to the Altair (first PC).

My career took me to Massachusetts and Connecticut and back working for in computer graphics software for mechanical engineering for 15 years as a vendor, then a consumer in Combusion Engineering MIS group (which was then a Fortune 42 company) and Prime Computer Inc. a company which introduced the first LAN-intrinsic operating system and multiproccessor based 32-bit computers.

In 1986 I moved to Europe to work as a Vice President at International Computers Limited and returned to the US in 1987 to work for Sun Microsystems Inc.

Four years ago I left Sun to found InstantSoft. Inc. I use Microsoft products every day and have for decades. I use Netscape products every day and have since they started. I have read dozens of books, talked to dozens of people and written reports and books about the software industry. I am a published author as well as an software industry expert.

I followed every minute of testimony and even downloaded Judge Jackson's opinion in the US DOJ vs. Microsoft Antitrust case. I read hundreds of the thousands of depositions that were posted online thanks to the T-1 I have to use.

It is with this near total immersion of personal and professional interests that I feel compelled to write to express my objection to the settlement proposed by the Bush Administration's US DOJ. I will set out in this letter why I believe the proposed settlement is not in the publics best interest.

I would like to share with you my strong concerns and reservations to the proposed settlement for three reasons.

1. Microsoft's competitive position as a monopolist discourages real innovation in the software industry.

The proposed settlement does not create a serious oversight function to monitor Microsoft. A vendor of this size, in an industry this dynamic; is extremely complex both technologically and structurally. There ought to be a department of the government involved in intellectual property the same way we have the Dept of Agriculture. The proposed settlement is so weak as to be disengenuous.

Microsoft can afford to match 1000 people for every one the US DOJ might have involved in oversight and still get an ROI out of it. Why not make Microsoft foot the bill out of penalties to fund 1000 people required to really be able to track this complex company in this highly complex industry? Microsoft's success is so huge and they have created such a mess that the US DOJ should make them fund the governments oversite rather than it being funded by the tax payers of the US.

No expense should be spared to enforce our antitrust laws. This should stay in remain until Microsoft market share falls below 50%. Microsoft's should no longer be allowed to conduct business that extends their monopoly.

There isn't really a single remedy or set of ''point remedies'' that will fix this. Its impossible to predict the future, but rest assured Microsoft will be a player in the future no matter what the US DOJ does. Judge Jackson's structural remedy for breakup was a logical conclusion. When Microsoft announces a new operating system, which ISVs and vendors are as ''in the know'' as Microsoft's own application software product groups? Applications will drive the operating system and due to its size and breadth, Microsoft can leverage its unfair competitive advantage to divisions within Microsoft giving them a completely unfair competitive advantage in terms of inside information and time-to-market.

No independent software company can compete with Microsoft unless Microsoft chooses to let it be. Does the proposed settlement do anything to curb or control or monitor the infamous chinese firewall that doesn't really exist?

2. Microsoft's illegal and unethical business conduct has made Bill Gates and 2 others from Microsoft among the 5 richest people in the world. The wealth and power of this company and its founders and senior management is simply staggering.

The proposed settlement is not even a tap on the wrist to Microsoft. In fact, it will only solidify the fear that Microsoft now has more power than the US Government and the Vatican combined. The only thing Microsoft understands and seeks is money and power.

The proposed settlement does nothing to put substance behind the ''you are guilty of antitrust'' message.

Shouldn't they really have to now change their attitude?

Being a monopoly is not illegal, but once found a monopoly why would the US DOJ not take commensurate and serious actions that are more proprotionate to the consequence and economic impact of their practises in the software industry. I do not see how any economist would look at the facts here and conclude that Microsoft has not profited enormously (and in my opinion largely as as a consequence of unethical and illegal business practises over decades.)

The proposed settlement seems politically motivated. If this was oil instead of software, or Bush was from the software industry, maybe it would a different story. Is it possible that Microsoft is so elite, and so smart, and so aggressive, that it blows the minds of experts in our government as to how to deal with it in the aftermath of finding it a monopoly? This reminds me of a CEO I heard about who was shown a brand new computer that was a lot smaller and more powerful than the existing computers who said ''cool, so does this mean it will take fewer people to operate since its so small?''

What indication does US DOJ have that Microsoft will really change its attitude and behaviour? How many times will they have to be found out before some sort of consequentiality cuts in? It should be three strikes and you are out, not three strikes and we'll let you walk anyway.

Should Microsoft have been allowed to fund Apple its long term rival to the tune of $150 million just to prop it up so as not to look like it killed Apple too?

I'm convinced that Microsoft and its founders are so highly integrated that to take action against Microsoft and not its founders misses the whole point of understand and curbing their excessive power. Microsoft has a legal racket. You can shut down the racket but it won't stop it. Isn't it like dealing with the mafia? Don't you have to deal with the Godfathers and the Dons? The proposed settlement does nothing to deal with the root issue. Whose behaviour needs to be changed? How is the proposed settlement going to put anybody in a position of power over the richest men in the world? This is why we have a government, to represent ALL of our interests.

A company that moves as much wealth out of the pockets of users and into its treasury has to be admired. But when the company is using an illegal recipe to stay there the US D0J can't just let it slide. we are supposed to have and enforce the laws.

3. Finally the proposed settlement raises the price of software for consumers and raises the barrier to entry for any company with new and highly innovative software.

I am forced to pay a premium for often questionable value when I purchase Microsoft software. When Microsoft entered the server software market with a vengance with Windows NT. I remember purchasing a license for $4000 so that my Microsoft SQL Server could be accessed from the internet on the NT operating system. There was no product delivered, there was no manual, there was just a license. Don't hold me to the exact price, but this struck me as very odd and basically deceptive.

Microsoft, following a best practise of IBM, simply waits it out and targets any vendor who begins to acheive a level of mass market penetration not only of the for software, but in virtually any and every type of software one can imagine. If you look at the history of acquisitions by Microsoft, it is hard to square this against the claim that they are interested in innovation. The only innovation they really care about is innovation that extends their market share and dominance. Isn't this capitalism running unchecked?

Linux is an interesting threat to Microsoft. Why? Because a) its open source, b) its basically free and d) they can't control it. Should the government not promote open source and standards-based technologies in the interests of companies competing on the basis of excellence in implementation?

Microsoft's cash machine is fueled by upgrades and new releases. Microsoft actually promotes how its old software was so buggy that users will benefit by buying the new upgrade. Does this sound like a good deal to you? Linux stands in stark contrast since it is technology that does not have business dependence built into it.

Microsoft even capitalizes off of its own mistakes. I was amazed to have a Microsoft employee at Comdex show me with pride how you can search the 35 CDs of bug fix notes—and the CDs only cost hundreds of dollars. Is this innovation or a damn clevor built-in business scheme to embed unfair competitive advantage into Microsoft every go-to-market scheme?

Does the proposed settlement provide any real incentive to Microsoft to drop prices, to

ship high quality product or to lower the lockin of customers and companies who have no choice but to use Microsoft products? A monopoly can get away with things that other vendors can't. They, not the customer, can dictate what options are available to the customer.

One of the areas I have spent a great deal of time researching involves best practise in business partnering.

Microsoft and many other leading software vendors have purchased research reports and consulting from my company over the years. This work and direct contacts with professionals in major corporations has given me tremendous insight into how large companies work with other companies to move their markets. The area of focus I have had has been Software partnership programs. Microsoft spends well over a billion a year on developer programs alone. A monopoly should not be allowed to use its resources to coopt and literally buy business allegiance from independent companies. I would therefore emphasize the any proposed remedy that does not have a proper level of investment behind it is not going to be able to recognize and monitor Microsoft's approach to business. What is required is comparable to the sophistication of a small department in an intelligence agency.

Conclusions

The proposed settlement is not in the industry's or the consumers best interest. It is not really in Microsoft's interest either because the likelihood that Microsoft will be back on the hot seat in the future is inevitable. Civil actions against Microsoft will likely be impacted adversely should the proposed settlement prevail.

While I have opinions about a fair settlement, what I really expect and hope for from the US DOJ review of the proposed settlement is that it will be rejected and sent back to the drawing board as incomplete. Among the difficiencies in the proposal you might want consider stressing the following in re-defining an appropriate and fair settlement:

1. Microsoft's business, and the personal business of its leadership, need to be systemically and deeply monitored. There should be a whole series of fixes each aimed with laser precision on specific elements of their conduct of business vis a vis their competitors, their supply chain and their business partnership agreements. What is needed are a sequence of precision hits not carpet bombing. The proposed settlement should define a far more robust process behind it that is auditable.

The audit results and conclusions should be presented to an independent advisory council composed of good people that can contribute value in the process. The record of Microsoft's involvement in standards bodies should be monitored to ensure they are participating in advancement of the industry and not just themselves. The participation of members of these standards bodies participation in such an independent advisory council might also be recommended.

2. You can't aim a remedy let alone deliver it with 2 troops on the ground. The US DOJ needs to put a small army to deal with this form of sophistication in unfair corporate practise.

The government needs to provide safe harbor for competitors of Microsoft. Microsoft should not be above the American legal system. The proposed settlement needs to demonstrate to the American public that the settlement gives the government sufficient resources to deal with Microsoft everytime they stray out of their box and that the box itself will need to be reexamined and adapted every quarter as industry dynamics change.

There should be a proposed budget to support whatever the watchdog group is that is setup. That budget has to be at least a few orders of magnitude higher that it currently is to have an credibility compared to what is at stake here.

3. Microsoft's monopoly should be viewed as putting them in the category of a monitored utility. Since everybody needs what Microsoft produces and especially since Microsoft has demonstrated its ability to kill its competitors.

Their behaviour and history demands a serious regulatory oversite. While DOJ stopped the Intuit acquisition there should be a hundred times more scrutiny applied to their actions now that they are a certified monopoly. Self-policing is a non-starter.

The proposed remedy might recognize that Microsoft has more resources than the US DOJ. The proposed settlement should recognize the unique technological stranglehold Microsoft has on the computer and software industry. Perhaps limits can be placed on just how far Microsoft should be allowed to tie the government itself up in knots while maximizing their lobbying and soft money contributions to politicians.

4. Since a structural remedy seems to drastic, surely Microsoft should be made to give back some of their ill-gotten gains. Not only should the Government fine them in an ongoing way to cover its costs of oversite and regulation, but it should go further to ensure that those responsible for future abuses will be face consequences and that means those in charge at the top. The proposed remedy should define clear consequences not just to the Microsoft corporation but to key officers who continue to engage in illegal and unethical conduct.

5. Microsoft should be made to defend every pricing action, every new product introduction, every upgrade, every acquisition, every ad campaign and so on. They have not only banked a fortune but they seem to have created a possibly unstoppable franchise. The government should realize that corrective actions will take time and that its job has only started.

It strikes me as unusual that the US DOJ would not seriously consider consulting with the appropriate ministries especially in Europe where the jury is still out on how the governments will come down on Microsoft antitrust. Would it not be better to coordinate with them on matters of intellectual property? While Robinson Patman might have no corallary in the rest of the world and while it might be imperfect, would it not be prudent to demonstrate a more coordinated response to Microsoft to get their attention?

In conclusion, it seems only reasonable to explain why I took the time to write to you. I am an American entreprenuer in the software industry. It strikes me that there is no logical explanation why the US DOJ proposed settlement is in the best interests of the general public. As a highly informed and concerned professional it is great to have the opportunity to provide you with these comments.

In the name of innovation, Bill Gates is allowed to effectively create a tax on the Microsoft installed base by creating an incompatibility or discontinuity in technology that virtually forces me to have to get upgrades and screw with my computers not because I want to but because there is no other choice. Microsoft should be monitored in terms of its compliance with industry standards so they can not go their way when the industry needs to go the way of open source and standards based computing.

When multitasking preemptive kernel source code is available for free off the web, why don't I use it? The answer is usually applications.

Microsoft refuses or can't or won't put their applications on any open source GPL or public domain operating system. The computer industry will only be healthy and grow if open market forces are allowed to function. The industry is out of balance and luckily, finally, the government recognized it. Now the government should take the lead to ensure that the richest man in the world and his friends don't stifle commerce and extract excessive profits from the general public as well as the American government because they can as a monopoly.

I believe that Microsoft is far more calculated than parts of the FBI or CIA. Don't let this monopoly dampen innovation and value creation in such a critical industry. Computing is now as pervasive as any utility. We do not want one utility vendor buying the market out and killing competitors and then setting whatever price they want. We need to restore competition which will create more innovation, reduce prices through open market competition and provide some relief from the imposition of a ongoing Microsoft tax on all of us.

Your decision regarding the proposed settlement is really about the fundamental right to no taxation without representation. As agents of the public interest, please give this matter the serious considersation it deserves despite its complexity.

Thanks for hearing me out.

MTC–00027538

From: Alexa Frazee
To: Microsoft ATR
Date: 1/28/02 2:35am
Subject: Microsoft Settlement

Dear Judge,

I am responding to the news of the Proposed Final Judgement with Microsoft. As a student at a private university, I am very concerned about my government's recent actions, allowing for such a monopoly. I have no problem with Microsoft as a company, but i do recognize the need for competition in the marketplace. The Microsoft product is all too often in need of improvement and to eliminate any and all of its competitors will only cause the industry to progress slowly and loose some of its quality.

As a consumer, I would appreciate being offered cutting edge, top quality software. I feel that my government is obligated to ensure a competitive, progressive industry. Please do what you can to preserve the ideals of the American marketplace.

Thank You, Alexa Frazee

(213) 742–0128

CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027539

From: jremy-doj@law.uoregon.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:36am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. There are several significant failures of the proposed settlement. I will limit my comments to one specific problem.

I believe Microsoft should give $1 billion in cash to help schools, instead of software and some money. This would seem to only hurt Microsoft's competitors in the education market as it is difficult to compete with free software. A far better settlement might be 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.

Thank you for the opportunity to share my opinion about this very important decision.

Sincerely,
Jeremy Zane
Network Administrator
University of Oregon School of Law

MTC–00027540

From: Bill Hattenhauer
To: Microsoft ATR
Date: 1/28/02 2:38am
Subject: Well WELL

NO SURPRISE! MICROSOFT IS GUILTY OF MAINTAINING A MONOPOLY- BUT SUFFERS NO PENALTY!

NO JUSTICE TODAY! This company profits illegally from it's thoughtful actions, robs the world of great competitive ideas by it's business practices, and is found guilty in court and is extended NO REAL PUNITIVE ACTION> NOT SMART.

Our only hope now is that Linus Trippolli develops a new secret operating system that costs $40–50 US that runs all middleware and user programs on every system and completely disregards who the manufacturer of that software is. But in the mean time MS is busy trying to get new proprietary ''standards'' adopted by anyone stupid enough to accept the norm.

YOU GET AN F. Hope the DOJ doesn't get the chance to prosecute the terrorists or we all will be in for it. My vote is Military Tribunal after this.

MTC–00027541

From: Felmeyfamily@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:34am
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,
Kathleen Felmey
26445 SE Rugg Road
Gresham, OR 97080–8644

MTC–00027542

From: Marc Brenner
To: Microsoft ATR
Date: 1/28/02 2:43am
Subject: Fw: Microsoft Settlement revised letter with address and phone
From: Marc Brenner
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 11:28 PM
Subject: Microsoft Settlement

I and my family feel that the proposed settlement will not benefit the public interest. Microsoft should be forced to open its applications to other platforms, so that software and hardware from other vendors will run without crashing with Microsoft products and so that other platforms can develop and integrate with Microsoft applications.

The court should hold public proceedings under the Tunney Act to give all parties the abilities to participate in settlement.

Thank you for your consideration.

Marc Brenner
835 Topper Lane
Lafayette, CA 94549 Ph: 925 283 3408

MTC–00027543

From: Randolph Mitchell
To: Microsoft ATR
Date: 1/28/02 2:45am
Subject: Antitrust Remedy

Microsoft Corporation's consistent pattern of monopoly abuse and intellectual theft is as damaging to American interests as Enron's abuse of accounting practices.

The Department of Justice must sharply curb Microsoft Corporation in order to preserve freedom of choice in the computer market, and to encourage the entrepreneurial innovation necessary to maintain America's lead in computer hardware and software.

Sincerely,
Randolph Mitchell
P.O. Box 9
Oakville, CA 94562–0009
707–944–8755
Randolph Mitchell
<mailto:ranny@napanet.net>
<http://www.homewine.com>

MTC–00027544

From: Michael A. Alderete
To: Microsoft ATR
Date: 1/28/02 2:59am
Subject: Microsoft Settlement
Antitrust Division
U.S. Dept. of Justice
601 D Street NW, Suite 1200
Washington DC, 20530–001

To Whom It May Concern:

I am writing to exercise my right under the Tunney Act to voice my strong disapproval of the current proposed settlement of the Microsoft anti-trust trial. The proposed settlement is both weak and lacking strong enforcement provisions, and is likely to have zero (or worse) effect on competition within the computer industry, with continued and increased harm to consumers in the form of fewer options in the software market and continued increases in the price of the Microsoft software consumers are forced to buy.

Microsoft was convicted of abuse of monopoly power by one Federal judge, and the judgment was largely upheld by another seven Federal justices. In evaluating any proposed settlement, keep repeating one Important Phrase over and over: ''Microsoft is guilty.''

The seven justices of the appeals court ruled that any actions taken against Microsoft (a) must restore competition to the affected market, (b) must deprive Microsoft of the ''fruits of its illegal conduct,'' and (c) must prevent Microsoft from engaging in similar tactics in the future. The proposed settlement fails on every one of these.

(A) Restore Competition

Among the many flaws in the proposed settlement is the complete disregard for the Open Source software movement, which poses the single greatest competitive threat to Microsoft's monopoly. Most organizations writing Open Source software are not-for-profit groups, many without a formal organization status at all. Section III(J)(2) contains strong language against non-for-profits, to say nothing of the even less-formal groups of people working on projects. Section III(D) also contains provisions which exclude all but commercially-oriented concerns.

To restore competition the settlement must make allowances for Open Source organizations—whether formal not-for-profit organizations or informal, loosely associated groups of developers—to gain access to the same information and privileges afforded commercial concerns.

(B) Deprivation of Ill-Gotten Gains

Nowhere in the proposed settlement is there any provision to deprive Microsoft of the gains deriving from their illegal conduct. Go back to the Important Phrase: ''Microsoft is guilty.'' In most systems of justice, we punish the guilty. But the current proposal offers nothing in the way of punishment, only changes in future behavior.

Currently Microsoft has cash holdings in excess of US$40 billion, and increases that by more than US$1 billion each month. A monetary fine large enough to have an impact on them would be a minimum of US$5 billion. Even a fine that large would be a minimal punishment. Microsoft's cash stockpile is used, frequently and repeatedly, to bludgeon competitors, buy or force their way into new markets, or simply purchase

customers, with the long-term intent to lock people and organizations into proprietary software on which they can set the price. Taking a ''mere'' US$5 billion from their stockpile will have zero effect on this practice.

For that reason, Microsoft's cash stockpile must be further reduced. In addition to the monetary fine, Microsoft should be forced to pay shareholders a cash dividend in any quarter in which they post a profit and hold cash reserves in excess of US$10 billion. The dividend should be substantial enough to lower Microsoft's cash holdings by US$1 billion, or 10%, whichever is greater.

(C) Prevention of Future Illegal Conduct

The current proposed settlement allows Microsoft to effectively choose two of the three individuals who would provide oversight of Microsoft's conduct and resolve disputes. The proposed settlement also requires the committee to work in secret, and individuals serving on the committee would be barred from making public or testifying about anything they learn.

This structure virtually guarantees that Microsoft will be ''overseen'' by a do-nothing committee with virtually zero desire or ability to either correct Microsoft abuses, or even call attention to them.

Instead of the current proposal, a five-person committee should be selected. Microsoft may appoint one person, but will have no influence over any of the other four. For the four, two should be appointed by the Federal court of jurisdiction, one should be appointed by the U.S. Department of Justice, and one should be appointed by the U.S. Senate. At least two of the appointees should have technical experience and be competent to evaluate technical proposals and arguments by themselves, without the filters which assistants would bring.

These are hardly the only thoughtful and reasonable suggestions you will no doubt receive regarding the proposed settlement of this anti-trust case. And these are hardly the only suggestions which should be adopted if the settlement is to prove effective. But all of them are essential to that aim, and adopt them you must.

Thank you for your time and the opportunity to comment.

Respectfully,
Michael A. Alderete
569 Haight Street
San Francisco, CA 94117
(415) 861–5758
alderete@haightlife.com
Latest News: <http://www.michaelandrochelle.com/about/michael/blog>
Michael A. Alderete
<mailto:alderete@haightlife.com>
voice: (415) 861–5758

MTC–00027545

From: aharoyan@ucdavis.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:50am
Subject: Microsoft Settlement

the proposed settlement is bad idea.

MTC–00027546

From: D. Hugh Redelmeier
To: Microsoft ATR
Date: 1/28/02 2:53am
Subject: Microsoft Settlement

I will keep my comments brief. I am a software developer and consumer, not a lawyer. I will not repeat points that are well presented, for example, by the submissions of the American Antitrust Institute:

<http://www.antitrustinstitute.org/recent/163.cfm>

and Dan Kegel:

<http://www.kegel.com/remedy/>

The proposed final judgment in the US v. Microsoft case is inadequate.

Microsoft has been found to be a monopolist. It has been found to have willfully and illegally exploited its monopolies. Microsoft has delayed the day of reckoning, multiplying the damage.

The purpose of the proposed final judgment is to deny Microsoft the benefits of its unlawful behavior, to remedy the damage, and to prevent future misbehavior. I fail to see how it would substantially accomplish any of these goals.

The fact that several attempts have been made to tame Microsoft's illegal behavior suggests that any settlement must be carefully crafted to be ''leak-proof''. Speed is of the essence in response to future misbehavior—irreparable damage can happen much more quickly than litigation can be resolved.

As far as preventing future misbehavior, it seems to me that each monopoly must be eliminated or at least circumscribed to prevent its expansion. Microsoft has continually grown its monopolies and caused them to buttress one another. It has also used its monopolies to advance its other interests.

I can think of many possible settlements. Perhaps the approach most generous to Microsoft would be to break Microsoft up into independent companies that each would be allowed to hold a single monopoly, and no more. These companies would have to be constrained to deal with each other in a way that did not favor them over third parties.

It has been said that there is need for a quick settlement to protect our security. Microsoft is the source of a disproportionately large number of computer security problems. Most believe that this is partly caused by their monopoly position. So if security is to be considered in this case, it would be one more reason to deal more effectively with the monopoly issues. Security is a public interest.

D. Hugh Redelmeier, PhD.
hugh@mimosa.com

MTC–00027547

From: Elizabeth Bonney
To: Microsoft ATR
Date: 1/28/02 2:54am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I have endorsed Dan Kegel's letter concerning the proposed Microsoft settlement. I feel that the letter provides a good overview of the problems I see with the settlement, in particular the inadequate provisions to limit Microsoft's anticompetitive practices towards OEMs. These practices have already limited the opportunities of other software vendors, such as Be, Inc., to gain a share of the market, and allow Microsoft to avoid competition with other vendors based on the merits of their products.

Elizabeth Bonney,
Cranford, NJ

MTC–00027549

From: Keith (038) Arlene Varnau
To: Microsoft ATR
Date: 1/28/02 3:03am
Subject: Microsoft settlement
7612 140th Place NE
Redmond, WA 98052
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are sending this letter to express our support of the Microsoft settlement. We have followed the lawsuit against Microsoft with much interest. It is our opinion that the government was unwarranted in its case against Microsoft in the first place. Yet, we believe that resolving this issue will help to rebuild the technology industries.

Microsoft has offered many concessions throughout the process. Microsoft agrees to the formation of a review board whose purpose would be to ensure Microsoft's compliance with the terms of the agreement. The formation of this group should reassure those that are wary of Microsoft compliance with the issue. The review board will be composed of outside members who are objective to the outcomes of the settlement.

We believe that Microsoft has been more than generous throughout this process. We hope that the Attorney General agrees with the importance of enacting the settlement.

Thank you for your time regarding this issue.

Sincerely,
Keith & Arlene Vernau

MTC–00027551

From: CigarBoy19@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:07am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing in support of the settlement the justice department has reached with Microsoft. It is high time that this petty case, brought about by the jealousy of Microsoft's hapless competitors, be put behind the nation. Microsoft has consistently been one of the greatest technological innovators in the world. Particularly at this time of crisis, I believe we should put all our national resources to use for the good of the nation. Our greatest national resource is the entrepeneurship of men such as Bill Gates. I hope that this saga will finaly end with this settlement so that Microsoft can continue innovating and improve our lives with new technology.

Sincerely,
Elie Poltorak

MTC–00027552

From: Leonard F Morse
To: Microsoft ATR
Date: 1/28/02 3:08am

Subject: Microsoft Settlement

I am an IT professional (now retired) and have been in the computer field for over 30 years. I urge you to end the DOJ/Microsoft stand off as soon as possible. The terms already agreed to by most parties to the suit are fair and just. Those wanting to continue are doing so for their own ends—mostly dislike of the Microsoft success, I choose to buy and run Microsoft software because it is better, not because it is forced upon me. AOL et al are attempting to win in court what they could not win in the market place.In addition, the question appears to be moot. AOL purchased Netscape yet didnot include it in their latest version of AOL—version 7.0—choosing to bundle MS Internet Explorer instead.

The entire affair is little more than a tempest in a teapot

Leonard F Morse

MTC–00027553

From: George M. Boyd
To: Microsoft ATR
Date: 1/28/02 3:12am
Subject: Microsoft Settlement

I disagree with the proposed settlement of Microsoft v DOJ.

George M. Boyd
9635 Penfield Ave.
Chatsworth, CA 91311–5516
818–349–3974

MTC–00027554

From: Fred Strauss
To: Microsoft ATR
Date: 1/28/02 3:14am
Subject: microsoft settlement

I am a consumer and I am appalled that the justice department may be willing to end this lawsuit by helping Microsoft get richer. The biggest problem with Microsoft is that Microsoft has a monopoly on which operating system a computer comes with. I would suggest that the government force Microsoft to make all of its programs available for all other operating systems. Then it would be easy and useful for consumers to try other operating systems. This would also create some competition for Microsoft, which would help our entire economy.

MTC–00027556

From: Brad Matter
To: Microsoft ATR
Date: 1/28/02 3:19am
Subject: Microsoft Settlement

To whom it may concern—

I strongly oppose the proposed terms of settlement in the case of United States of America vs. Microsoft, and State of New York ex. rel. vs. Microsoft.

The terms of the settlement are far too weak and do far too little to prevent Microsoft from continuing in its pattern of unlawful conduct, and do nothing, so far as I can tell, to remedy the effects of its past unlawful conduct.

The terms of the settlement are written with such a degree of specificity that they effectively amount to closing the gate after the cows are out of the corral. For example, releasing APIs is discussed, but there is no mention of file formats—leaving a gaping loophole through which Microsoft can drive its monopolistic efforts.

Another gaping loophole is in section III.H.2, which mentions ''Top-Level Windows''—which are defined as being able to hold sub-windows. All Microsoft need do is create a window that can't hold a sub-window, or create some ''innovative'' new windowless technology, and section III.H.2 no longer applies.

In fact, since the settlement fails to address Microsoft's future behavior in any meaningful way, it's entirely possible that Microsoft may just have some such thing in store via its .NET initiative. Given Microsoft's past behavior, I have no doubt that future Microsoft ''innovations'' will be specifically tailored toward evading the terms of the settlement and that it will continue to illegally maintain and extend its monopoly.

The exclusion of all devices except for very narrowly defined ''personal computers'' is similarly disquieting.

Microsoft's conduct over the years has flouted both ethics and the law. It gained its monopoly in part through a scheme called ''per-processor licensing'', in which computer manufacturers paid Microsoft for every computer they sold, whether it had a Microsoft operating system or not. Microsoft thus effectively taxed the computer industry, and made money even when someone else's products was sold.

Ironically, it is harder today to buy a computer with a non-Microsoft OS than it was when Microsoft stopped the practice as part of a consent decree (part of which, if I recall, Microsoft later broke). Lately, I've been shopping for a computer for a work-related project which requires Windows XP Professional. None of the inexpensive computers in my price range come with Windows XP Professional, but all come with some flavor of Microsoft operating system. It seems absurd that I can't buy a computer without an OS and add the OS of my choice to it. In this case, Microsoft gets paid twice; once for a product which I can't use. I see nothing in the settlement which addresses this problem.

I've heard some (weak) arguments that Microsoft must be interfered with as little as possible because of its alleged importance, to the national economy, national security, or both. It seems ridiculous to me. An economy in which robust competition flourishes is more important than one in which Microsoft flourishes at the expense of the innovation and efficiency which are driven by that competition.

The enormous number of ''internet'' worms and viruses that make the news on such a regular basis are Microsoft worms, written to exploit the weaknesses in Microsoft's software. If Microsoft had to compete on the basis of security, those weaknesses wouldn't exist. Instead, Microsoft spends its money on activities to expand its market share, whether those activities are legal or not.

I do not see how these actions (and inactions) of Microsoft contribute to national security or the economy in any positive sense. Acceptance of the settlement as it currently stands will simply allow Microsoft to continue to illegally maintain and extend its monopoly by working around its weak provisions. Worse, acceptance of the settlement will effectively protect Microsoft while it does so, since the government is unlikely to take any action against Microsoft for the duration of the 5-year period or for some years afterward.

I urge that the settlement be rejected, and that any future settlement or judgement against the company not merely bar it from practices it no longer needs (Netscape's no longer a threat; after the per-processor licensing practice was banned as part of the earlier consent decree, a Microsoft executive said that it ''had achieved its purpose'' and was no longer necessary). Any future action must at a minimum truly remedy the harm caused by its past unlawful conduct, and effectively prevent it from engaging in illegal behavior in the future.

Ideally, any such judgement or settlement would include penalties stiff enough to ensure that the executives at Microsoft would get the message any such future behavior would not be tolerated. This is a company whose paid ''grass-roots'' efforts have included letters from dead people! They don't understand ethics, but they do understand power.

Brad Matter
1217 NE 70th Street
Seattle WA 98115–5628
206.527.8334

MTC–00027557

From: brett@shadowed.net@inetgw
To: Microsoft ATR
Date: 1/28/02 3:19am
Subject: Microsoft Settlement

To Whom it May Concern:

I feel 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. I would also like to add my voice to sentiments expressed by Dan Kegel at http://www.kegel.com/remedy/letter.html . I strongly support the views Mr. Kegel expresses on the proposed settlement.

This proposed judgment is definitely not in the public interest.

Sincerely,
Brett Miller

MTC–00027558

From: Mark Plimley
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Microsoft Settlement

Dear Sirs, As a software engineer and computer professional for over 25 years, I believe that I am fully qualified to comment in the public interest regarding the proposed Microsoft Anti-trust settlement. I have followed the proceedings against Microsoft throughout the trial and post-trial period. It continues to amaze me the audacity with which the Microsoft Corporation and its'' lawyers have flagrantly ignored anti-trust law.

I feel that one must judge a corporation as one would judge an individual, by its actions, not by its words and promises.

Actions, not words, reflect the true nature of a group or individual. Microsoft continues to display disrespect for the laws of our nation. The most recent example of this is their extremely narrow interpretation of the Tunney Act disclosure requirements, violating the intent of the law.

To this day, Microsoft Corporation refuses to accept responsibility for its anti-competitive actions. When an individual, or in this case an organization, refuses to correct their anti-social behavior despite repeated warnings, then society must act to prevent such behavior from re-occurring in order to protect itself.

The DOJ must not back down, for the sake of the public and the software industry. Microsoft's claims that severe repremands and restrictions would hinder competition is completely absurd. The only hope that the software industry has for any semblence of competition is to establish stringent and enforceable restrictions on any and all future anti-competitive practices by the Microsoft monopoly. The settlement that allows Microsoft to donate software and (old) computers to schools will only serve to increase their influence over the marketplace. This is exactly what Microsoft intends, and must be firmly rejected.

The only type of settlement that should be considered is one that genuinely promotes competition in the marketplace. As Microsoft has clearly shown that they cannot be trusted to act in the interest of anyone except themselves, I believe that a valid settlement can only come from those in the industry who have been harmed by Microsoft's anti-competitive behavior as a monopolist. If Microsoft want to donate computers and software to schools, it must be in the form of money without any restrictions whatsoever. The recipients of the funds must have total control over what they purchase.

With ample evidence that their word cannot be trusted, it would be irresponsible for the DOJ to consider any Miscrsoft claim of harm to the industry if real sanctions were to be imposed upon its illegal business practices. The DOJ must not back down on the demand for real and effective reform of known monopolist business practices. There is plenty of potential competition that will keep the software industry healthy, despite any short-term setback by Wall Street gamblers.

So I urge the DOJ, for the sake of the future of the software industry and the people of the United States that you represent, to insist on effective corrections to the long-standing anti-competitive practices. And I do not believe Microsoft will respond to the seriousness of their business practices with anything except harsh punishment. With $65 billion in cash reserves, any reasonable punishment will have little impact on their future. And any damage to their stock will easily recover in short order. The DOJ must maintain the long-term interests of the public ahead of any short-term harm to investors of an irresponsible corporation.

Sincerely,
Mark Plimley, President
Plimley Consulting, Inc.
1454 Goldenlake Rd.
San Jose, CA 95131
email: markp@blueneptune.com

MTC–00027559

From: Jay Dernovsek
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Anti-Trust Remedy

I find the current remedies for the Microsoft anti-trust conviction unacceptable. Please consider the following as appropriate action for remedy: Microsoft produces an operating system as well as applications that run on its operating system. Having inside knowledge of the operating system is a tremendous advantage when writing applications. Microsoft abused this advantage by witholding key elements of the application program interfaces (API's) from competing application writers. As remedy, the operating system business should be separated from the application development business. Once split, the operating system company should furthermore be prohibited from providing information other than its published API to any other company. This will insure fair competition for all application developers.

Microsoft's discount policies have made it all but impossible to purchase a computer without their operating system. As remedy, Microsoft should be made to abolish its present multi-level discount practices, and be made to use a single tier discount schedule based solely on volume. This will allow hardware manufactures and system integrators the option of offering competing products without financial penalty.

Microsoft has used its operating system's dominance to capture the office suite, web browser, and other application markets. A separation of the operating system and application businesses will remedy this abuse. Microsoft has established itself as a major content provider (MSN) and has acquired other media holdings such as MSNBC. Microsoft also offers a variety of web services, such as Hotmail, Passport, etc. Microsoft is creating a dangerous situation whereby one entity is attempting to control both information (content) and the distribution channels used to convey information. As remedy, Microsoft should be made to divest its media holdings and Internet businesses, or to form a separate company for such activities Microsoft obfuscates the file formats used by its business applications.

These formats are constantly altered, creating a false need to upgrade and preventing competing applications from exchanging data. This abuse not only stifles competition, but also causes unnecessary reduction in productivity. Through their dominance, these file formats have become ubiquitous. Since this dominance was acquired illegally, Microsoft's file formats should no longer be permitted to remain proprietary, and should be turned over to an independent standards body. This will allow efficient data exchange, and will remedy the unfair advantage Microsoft has created for itself.

Microsoft abused its monopoly to gain control over commonly used protocols and languages by adding proprietary extentions. Their contamination of HTML and JAVA are two examples. As a remedy, Microsoft must be forced to comply with existing protocol and language standards. Furthermore, Microsoft should be prohibited from having voting rights is any standards organization as punishment for its prior abuse.

Microsoft has demonstrated a disregard for computer and network security. Countless hours of lost productivity can be attributed to the weaknesses of Microsoft products. As a remedy, Microsoft should made to secure its products without the customary upgrade charges. Microsoft should also be held criminally liable for the virus propagating nature of Microsoft Outlook. Until their security issues are resolved, Microsoft should be banned from providing products or services to financial, medical, and government institutions.

Microsoft has demonstrated a lack of respect for personal property and privacy. Their products consistently consume disk space with unwanted, unnecessary, and often unused components. Software is added without permission or control. System settings (many affecting security) are altered without notice. Their operating system is used as a billboard for unsolicited advertisement. Their products communicate without asking permission. As a remedy, Microsoft must be made to understand that computer resources, including disk space, are personal property. Uninvited occupation is trespassing. Furthermore, strong legislation needs to be passed concerning software that makes unauthorized communication, especially for the purpose of monitoring personal activity.

Microsoft has trademarked commonly used words for many of its products. Examples include Word, Office, Outlook, Explorer, Passport, Windows, etc. They bully other companies who use these common words in association with competing products, while ignoring other companies that do the same for complimentary products. Most businesses cannot afford to gain justice when faced with Microsoft's vast legal and financial resources. As remedy, Microsoft should be made to replace their common-name trademarks with names that are distinctly unique.

As further punishment for anti-trust, Microsoft should be banned from political lobbying and should not be permitted to make political contributions of any kind.

Thank you for your consideration.
Regards,
Jay Dernovsek
Madison, Alabama CC:jayd@zaeresearch.com@inetgw

MTC–00027560

From: Andrew Reitz
To: Microsoft ATR
Date: 1/28/02 3:26am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea, because it still allows Microsoft plenty of room to continue to operate their monopoly. Even more hurtful, however, is that the PFJ (Proposed Final Judgement) enhance the ability of other entities to compete with Microsoft at the OS level, using Open Source tools such as Linux and WINE.

Sincerely,
Andrew Reitz

Recent Graduate, University of Illinois at Urbana-Champaign
areitz@cs.uiuc.edu

MTC–00027561

From: ritat@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:25am
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,
Kathleen Webb
3108 E. Sierra St
Phoenix, AZ 85028

MTC–00027563

From: Galen Seitz
To: Microsoft ATR
Date: 1/28/02 3:38am
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

The proposed settlement is little more than a slap on the wrist. This settlement will do little to deter Microsoft's anticompetitive practices.

I urge you to seek stronger remedies.

Sincerely,
Galen Seitz
Senior Engineer
Seitz & Associates
Portland, Oregon

MTC–00027564

From: lz b
To: Microsoft ATR,lizzy14371@aol.com@inetgw
Date: 1/28/02 3:38am
Subject: Microsoft Settlement

To the United States Department of Justice, I am writing to you concerning the Microsoft Settlement. I believe that the cause of Microsoft having 90 percent of the browser market share is obviously, Internet Explorer being included in the Microsoft operating system. Therefore, I think that Microsoft should pay Netscape a large enough amount of money so that Netscape will be reimbursed for the terms they suffered, including a loss of customers.

Yet, this reimbursement will not suffice Netscape to be completely prosperous unless Microsoft goes bankrupt with the loss of money. Along with the reimbursement, Microsoft should have to guarantee that further releases of operating systems will not include the Internet Explorer program.

Sincerely,
Elizabeth Burstein
An 8th grade student at the Harker School In San Jose, California

MTC–00027565

From: Jeremy Mazner
To: Microsoft ATR
Date: 1/28/02 3:42am
Subject: In support of settlement

To whom it may concern,

As a member of the software development community, and a long time computer user, I write to express my firm support for the proposed settlement expressed in the Nov 6 Revised Proposed Final Judgement.

Any software developer will tell you that their best work is done on the backs of others''. The same holds true in any industry—we make advances by building on the current generation of technology. It is natural and expected that the baseline for any technology continue to evolve. It was a revolution in the early 1990's for a consumer operating system to include native support for internet protocols like TCP/IP, and that revolution enabled an entire new generation of software to be written. No longer did an application developer have to worry about how their application should communicate with other computers—the operating system provided that bsaeline functionality, so that the developer could focus on their real value-add. Similarly, the inclusion of HTTP and HTML protocols in Windows provides a baseline for developers today, making it possible to build new categories of applications that leverage the world wide web, without having to implement these protocols from scratch every time. As a developer, I rely on a robust, evolving platform that I know will provide the same baseline services on every computer on which my application is installed.

By way of comparison, can you imagine a home electronics company like Sony building products for a world where every house might have a different type of electrical service? 110V at 60Hz here, 220V at 50Hz there, 150V at 80Hv elsewhere. To succeed in mass-marketing products, they'd need either a huge variety of power supplies and product ''SKUs'' to fit the variety of power services, or they'd need to invest research into a universal power supply that would work with them all. Either option is a waste of not only Sony's time and effort, but of every other company that would sell consumer electronics—they'd each have to reinvent the wheel to create this universal power supply, and that's money that could have been spent on developing new types of products.

As a computer user, I want the most features I can get for the lowest cost. As an advanced user, I appreciate the flexibility to add or remove components and change defaults as I see fit, but that doesn't mean I don't want a complete, modern, functioning operating system out of the box. You'd be hard pressed today to find users who don't want access to the internet, email, and instant messaging when they turn on their new computer. To suggest that such functions are not part of the core operating system is to ignore the evidence of today's marketplace, in which not just Microsoft, but Apple and RedHat include these functions to satisfy customer demand. I support the proposed remedy allowing consumers to remove default functionality, but it is non-sensical to suggest that there is no benefit to having it there in the first place.

It is equally non-sensical to suggest that a ''trimmed-down'' operating system deserves a cheaper price than one with the complete complement of functionality. Today's software market clearly establishes that ISVs are willing to pay per-unit premiums to OEMs to include their applications on new computers. If AOL is willing to pay $5 per machine to have its software installed, and Real Networks the same, then a ''full-featured'' computer with their software should cost $10 less than the trimme-down version.

A version of Windows lacking modern communications features would rightly cost more that the deluxe package.

In the interest of full disclosure, I will note that I am both a Microsoft employee and shareholder. My views, however, are my own, and do not neccesarily reflect those of my employer and its officers. MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00027566

From: Justin M.
To: Microsoft ATR
Date: 1/28/02 3:51am
Subject: Microsoft Settlement

Dear Department of Justice,

It is going to take more than a slap on the wrist to stop Microsoft's anticompetitive actions and undo their consequences. I am convinced that the current proposed settlement is no more than just that. I do not see any real punishment here for Microsoft. I do not see any real opportunity for competitors to jump into the Intel-compatible operating system market, and I do not see anything that takes away the advantage Microsoft has given its products through anticompetitive means.

Described in the competitive impact statement, are parts of the Proposed Final Judgment which contain exceptions. I fear that Microsoft will find ways to use these exceptions to anticompetitive ends. For example, I feel that this proposal does not effectively curb Microsoft from using license termination as a threat to OEMs. It does not put restrictions on the kind of reasons that can be given for license termination, and it does not specify how long Microsoft must wait between license termination notices. I am sure that if I can find even one such loophole, lawyers can find many more.

I also wonder why only 20 OEM's are protected by this Proposed Final Judgment. It concerns me that a creative, smaller company can still have it's innovations thwarted by Microsoft's anticompetitive practices. More over, if this case is settled with a non-punitive arrangement, it will set a precedent that will allow Microsoft and other monopolistic bullies to get away with anticompetitive behavior DESPITE CONVICTION.

This would make the Sherman Act and other antitrust laws ineffective, and would be a disservice to the American people.

Let's prove that the American justice system cannot be swayed by even the most powerful and richest individuals and corporations. This is what the Sherman Act and antitrust laws were written for.

Signed,

Jennifer Baer and Justin Montejano

MTC–00027567

From: Rob Terrell
To: Microsoft ATR
Date: 1/28/02 3:52am
Subject: Microsoft Settlement

I have been a professional in the computer business for over 20 years. I'm not some anti-Microsoft zealot; I use Microsoft software on a daily basis, as I have for years. However, Microsoft's market power makes it very nearly impossible for smaller companies, companies where true innovation arises, to compete in a meaningful way. The proposed settlement does nothing to protect our smaller companies against Microsoft's monopoly.

Technology is a malleable, shapeshifting thing. Any behavioral remedies that apply to technology can be easily coded around, the same way Microsoft was able to code around physical hardware limitations, such as the 640k limit. I feel that a structural remedy is the only thing that can level the playing field.

Thanks for listening,

Rob Terrell

MTC–00027568

From: johnm@manuka.terrigal.net.au@inetgw
To: Microsoft ATR
Date: 1/28/02 3:56am
Subject: [Fwd: Microsoft Settlement]

Respected Members of the U.S Justice Department.

For some time I have watched the Antitrust case of several U.S states vs Microsoft with hope, trepidation and sometimes dismay. As a technologist for over a decade I have observed the tactics Microsoft has employed to maintain it's dominant market position often at the expense of business.

It seems to me that these enteprises have to pay a ''Microsoft Tax'' and in return, innovation and competition is stiffled. This is surely a development America and her corporate citizens can ill afford to allow continue. I beleive that the point has been reached where Microsoft has become a burden to the information economy, and an appropriate settlement must be reached. I believe a break up of the company would serve little or no purpose as the real issue is Microsoft's behaviour and strategies focused on leveraging market share through control of innovations by restricting vendor freedom. A settlement that benefits the I.T industry by re-introducing competition, will create a stimulus in the economy as a result of freedom of choice. I reason that such a settlement will also benefit Microsoft by creating change within the corporation.

These practises must stop for the information economy to evolve and such mechanisms for acheiving this may include:

1. Publish Interfaces and standards.

An end the Microsoft (MS) practice of ''embracing and extending'' method of aquiring ownership of publicly owned protocols. This could be acheived by requiring MS to publish the extensions to file formats, software interfaces and communications formats on implementation of a software component. It is this behavoir that threatens to uproot the Open Systems Interconnect model that is the foundation for the information economy.

2. Defensive only Legal and contractual restrictions Prevent MS from using aggressive patents, lawsuits and non-disclosure agreements to restrict innovation. These tactics used against vendors and particularly volunteer computer programers and computer scientists destroy enterprise and opportunity within the information industry.

As an Australian citizen I respectfully ask you consider my contribution as a friend of the American people. Your decisions will have internationl ramifications and I would hope these suggestions provide you with some useful insight.

John Mifsud
Terrigal Australia
Email: johnmifs@au1.ibm.com

MTC–00027569

From: Zachary Weinberg
To: Microsoft ATR
Date: 1/28/02 3:57am
Subject: Microsoft Settlement

Dear sir,

I write to express my concerns with the proposed settlement. I do not believe that the Proposed Final Judgement as it stands will have any significant effect on Microsoft's anti-competitive practices. I'd like to endorse Dan Kegel's open letter and analysis of the PFJ, which you may find at http://www.kegel.com/remedy/letter.html and http://www.kegel.com/remedy/remedy2.html respectively.

Thank you,
Zachary Weinberg
Software Consultant, CodeSourcery LLC
Berkeley, CA

MTC–00027570

From: Shane
To: Microsoft ATR
Date: 1/28/02 3:58am
Subject: Microsoft Settlement

Hello,

I would like to make a comment regarding the Microsoft Anti-Trust case.

For years I have been working with computers, at home and at work. I see the importance of computers, the trends in technology and understand the role of consumers in it all. Without a doubt, I believe that Microsoft has helped hundreds of millions of people throughout the world. The amount of good they have produced is un-measurable. I have watched and read about the Anti-Trust cases and see that every accusation is a lie. They don't hurt consumers, consumers are not complaining, corporations who aren't good enough to prevail in the market place are complaining. It's obvious that their attacks on Microsoft have hidden agendas other than their goal of helping consumers since it's ridiculous to say that Microsoft has hurt them. Every legal trick is being used against them; millions are being wasted on court costs. All because Netscape Navigator isn't better than Internet Explorer, all because Microsoft gave it away for free and tries to offer consumers everything they need to run a computer in one package. If Microsoft loses this case, this will be one of the most underestimated atrocities of the century. The attack of the good for being good. The denial of property rights. The lose of freedom. All and much more that cannot and should not happen. Justice eventually always prevails,

I hope it happens soon.

SHANE E STAATS
<mailto:shane1800@hotmail.com>
shane1800@hotmail.com

MTC–00027571

From: Frank Warren
To: Microsoft ATR
Date: 1/28/02 4:00am
Subject: Microsoft Settlement

I have been involved with PC's since the first Altair. Microsoft's list of abuses, criminal and civil violations, and outright piracy, are legend within the industry. The proposed settlement does not address the illicit profits that have been made through such piracy, theft of intellectual property, or extortionate methods of acquiring and crushing innovation in the industry.

Microsoft has spent the last 22 years planning, and then implementing, the dismemberment of one firm after another, and getting away with it. Microsoft is a killer whale, whose attack on the body of the industry is to be answered with a band-aid.

The original plan of your department to break Microsoft apart would have helped, and demonstrated that pirates cannot thrive just because they become rich at it.

Microsoft has pillaged, plundered and raped the entire industry. More, their .NET plans shows that they do not intend to stop. Now they want to own the Internet itself.

Withdraw the offer of this settlement if you expect any of us to obey any of your laws.

Sincerely,
Wilson Franklin Warren
Livermore, California 94550

MTC–00027572

From: Arun Rao
To: Microsoft ATR
Date: 1/28/02 4:05am
Subject: Microsoft Settlement

To Whom it may concern,

I would like to put forth my opinion that the proposed Microsoft Settlement does not prevent Microsoft from using its monopoly of desktop operating systems to further its ventures into other markets. The settlement does not punish microsoft for its illegal activities.

Microsoft has slowly begun its transition from a desktop PC software provider to enterprise, consumer devices and service provider company. The proposed settlement doesn't prevent Microsoft from utilizing its 95% desktop pc market share to push its monopoly into other areas such as internet services. Microsoft's .NET is such a service, which microsoft is using its latest version Windows XP to push into the market.

Microsoft has broken the law and been found guilty. Microsoft has hurt consumers by removing, the very fundamentals of a free

market economy, choice. Consumers can never truly obtain fair prices for services with out competition. Microsoft has crushed competition using its power, the power of its monopoly. Many companies have gone bankrupt and many more will eventually because they cannot penetrate a Microsoft dominated market. This will eventually hurt consumers more.

I implore you to reconsider the settlement and opt for a judgement that will provide, consumers and the companies that have been hurt by Microsoft's illegal acts, justice.

Sincerely,
Arun Rao

MTC–00027573

From: Nick Banfe
To: Microsoft ATR
Date: 1/28/02 4:12am
Subject: Microsoft Settlement

Dear Sir,

UI am writing in regard to the Micosoft settlement. I am a concerned citizen, Silicon Valley

.Comer and I am apaulled at the judgement.

This amounts to nothing more then momopoly and fixing.

Nick Banfe
1716 Morgan Street
Mountain View, CAl 94043
(650) 964–6425
Sincerely,
Nick Banfe

MTC–00027574

From: Jon Hutchinson
To: Microsoft ATR
Date: 1/28/02 4:16am
Subject: Microsoft Settlement

This whole suit is frivolous, was just brought about as a sideshow to distract the public from the real corruption that had been going on in the White House and parts of the Federal Government in the later part of the last decade.

It all should all be thrown out immediately, as it has directly or indirectly affected the economy, in an adverse way, and the thousands of investors who have invested in a great and innovative American company like Microsoft.

Jon Hutchinson
Seattle, WA

MTC–00027575

From: Calvin
To: Microsoft ATR
Date: 1/28/02 4:22am
Subject: Microsoft Settlement

I am opposed to the settlement agreement reached between the United States Justice Department and Microsoft to settle the antitrust case won by the United States of America.

The settlement will not increase competition in any market where Microsoft has a major offering. In markets where it has a monopoly, such as operating systems and business applications, it will only serve to strengthen it's monopoly. This reduces competition in other markets where Microsoft may choose to compete because of the advantage the monopoly provides.. This is what the Antitrust act was creaated to prevent.

Nothing in the agreeement will insure that other companies or individuals will have an equal opportunity to bring improved products to market because Microsoft will still control the operating system, the business applications and now, the browser. Improvements in web development can be stifled by Microsofts bundling of the browser to eliminate competition in that market. Future bundling or application tieing is not covered in the settlement if it is not related to an OEM contract.

In particutlar, web developers are now beholden to Microsoft to insure their software and services will work on most computers. At a whim, Microsoft can easily disable those developers offerings if it wants to offer it's own services or products by simply modifying the browser, operating system, or business applications to give a preference to the Microsoft offering. Microsoft can do this after an OEM sale of it's operating system when XP or future operating systems must register and receive an authorization so that they will function.

By the time legal action can be taken against Microsoft to prevent this activity, the damage to competing companies and individuals is already done. Not unlike what happened to Netscape after Microsoft tied Internet Explorer to it's operating system.

Additionally, Microsoft was found guilty of violating the Sherman Antitrust Act. The settlement contains no punishment for Microsofts illegal behavior. If this crime has no punishment, why is it a law? If Microsoft violates the settlement agreement, it will only result in further litigation, but not in any punishement.

I believe a much harsher penalty, such as breaking the company into smaller competing companies to increase competition in the market would provide a much better remedy to Microsofts illegal behavior and would benefit the economy generally by increasing comepetition.

Thank you for your consideration.
Calvin Tolman
software and content developer
721 E 300 S
Salt Lake City UT 84102
CC:calvin@xmission.com@inetgw

MTC–00027576

From: mothership
To: Microsoft ATR
Date: 1/29/02 4:20am
Subject: Microsoft Settlement

I would like to disagree with the micro soft decision as I think it would hinder anyone who wants otouse the internet...

Bruce Vasconcellos...
Fiji

MTC–00027577

From: mesmith@panix.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:32am
Subject: Microsoft Settlement

Remarks on the proposed settlement of the Microsoft anti-trust case. This piece is not comprehensive, but the analytical and historical points I make apply to most aspects of the problem. Among the different classes that are impacted by the Microsoft monopoly are the classes that buy Microsoft as consumers, producers and vendors. I contend that these direct victims are not its principal victims.

I identify three principal classes of victims:

1) Those (such as myself) engaging or aspiring to engage in Microsoft-free microcomputing.

2) Those through choice of employer, authority, supplier, customer, or other outside relation or agency are compelled to work with Microsoft products. These people suffer contact with inferior products and the spiritual stress of contact with an enterprise whose ''business model'' is founded on the stifling of human cooperation and technical advance.

(It is disgraceful that children should be exposed to Microsoft Windows in schools; this kind of publicly sanctioned exposure is harmful to their education and to their moral development).

3) The General Public.

I write primarily on behalf of Microsoft-free microcomputing and to a large extent for the General Public and the national interest.

This response is organized in the following manner:

1) What is an Operating System, and what Microsoft has converted it into.

2) How is this monopoly harmful and dangerous?

a) Economic costs of Microsoft's monopoly
b) Supposed costs of remedies
c) Broader costs and dangers

3) Why the proposed remedies are either useless or counter-productive.

4) Some recommendations for remedy.

1) What is an Operating System, and what Microsoft has converted it into.

The Operating System (OS) is a system of programs that runs the computing machinery, placing the machinery under a unified control so that it can service the other programs (the ''jobs'') running on the computer and regulate their contention for resources. The OS provides programs with an environment and a set of standards for accessing that environment. Programs are ordinarily written to the environment provided by the OS, not directly to the machinery.

Microsoft does not share the ''naive'' view of a computer held by entrepreneurs, workers, scientists, engineers, programmers, students, or ordinary users, viz., of a computer as a machine for extending and multiplying capabilities. Microsoft sees computers as something for which access can be restricted and ransomed for profit, and sees the operating system as a particularly strategic chokepoint. To Microsoft, a computer is not an engine, but a venue for selling applications. In this view, computer capabilities do not flow from Microsoft, they are withheld by Microsoft and released in restrictive form.

''MS-Windows—the Inextricable DOS''

MS-Windows is a computer program effecting the illegitimate and technically unnatural integration of non-operating system functionality into the OS for the sole purpose of fortifying and extending Microsoft's MS-DOS monopoly. (In the current DMCA vernacular, some might call it ''an anticompetition device.''). MS-Windows is designed to ensure 1) that competing

operating environments (e.g., Geoworks, Quarterdeck, HP) will not be viable on a Microsoft platform, 2) that the degree of control exercised by Microsoft over applications will be greater than that which would be possible in DOS, and 3) that the operating system, operating environment, user interface, and application programs will be so entangled as to deliberately block the government from being able to separate them (separation is a necessary step in the type of approach that the governments are now pursuing). By blurring these boundaries, Microsoft creates a burden-barrier to economic evaluation, law enforcement, industry, competitors, and government regulators. Thus, any application running on MS-Windows that Microsoft covets, it has the power to appropriate.

Poor security was already a hallmark of Microsoft Operating System, but it is a necessary by-product of the attempt to create a monopoly-application posing as an operating system because of the artificial integration of the application-level (''user space'') with the operating system. (A significant share of the economic damages caused by Microsoft is attributable to its faulty security).

It is not really possible to write a good system that runs on a bad operating system. When the Operating System overwrites memory locations or crashes without recovery, the application suffers. A large portion of the resources of the development process must be diverted to ''defensive programming'', an attempt to protect the integrity of the program and data from the defects of its running environment, an attempt which can only be partly successful at best.

2) HOW is this monopoly harmful and dangerous?

2a) Economic costs of Microsoft's monopoly

In 1983, the issue may have been Microsoft overcharging customers. At that time, the spectacle of Microsoft selling a badly broken Operating System and charging its victims for the repairs dominated the scene.

By 1984, Microsoft's monopoly was the central problem facing microcomputing. IBM-Microsoft was harming: 1) Digital Research, the leading low-end operating system 2) hardware manufacturers and vendors designing or selling non-compatible systems 3) software companies. Microsoft's variant of DOS, ruthlessly extended by the creation of Windows was designed to trap customers into their proprietary closed ''Microsoft market'' As long as their software is incompatible with acceptable norms and established standards, technical, commercial and legal, their customer-victims will have to follow them to whatever computer platform and network site that Microsoft chooses.

An assessment of the costs to the economy of the Microsoft monopoly must include the enormous resources that were diverted to dealing with problems that existed only as a result of programming in the Microsoft environment, e.g., the years of 640KB limit, ''expanded and extended memory'', inability to share peripherals because of a single-user limitation. These difficulties, tied exclusively to the Microsoft environment, added directly to the cost of development, linked software to transient problems, and were a barrier-to-entry, preventing programs from being written, products from being delivered on time, etc.

Microsoft has been able to work with some manufacturers to create computer peripherals that have deliberately had vital parts removed so that they cannot function except with the antidote—the matching version of the Microsoft Windows Operating System. These crippled machines (many names including winmodems, winprinters) have introduced much uncertainty into the buying process, making purchases much more difficult, the end result much inferior even for those able to run these mutilated devices and the life expectancy of the equipment diminished as they are now wholly dependent on the version of MS-Windows.

The operating system defines the environment for software development. If the OS is replaced, the software will often not be portable.

2b) Supposed costs of remedies

Contrary to the impression of those outside the field, Microsoft's creativity has thus far been restricted to how to hold, strengthen and extend the monopoly it was given. The cost of dropping Microsoft is far from great because it is a hollow system that has never had the stability to allow programming, so few programs of long-term values have been written. Microsoft uproots its customers anyway as part of a business cycle posing as a product cycle, so there is effectively no cost to uprooting the system.

The question is not whether we are better off with Microsoft and today's computers than without Microsoft but with the computers before the IBM PC. Nor is it a choice of the chaos of freedom with incompatible zones of products versus the ''order'' of one dominant zone triumphant, albeit wholly incompatible with all others and unable to change. At every stage there were better alternatives and economic losses should be measured against contemporary alternatives. Superior alternatives that were driven off the field by Microsoft succumbed to monopoly power and not superior quality or lesser costs. The value of the choice to the decision maker was not based on technical merit but rather on permission to participate in a closed market.

The ''network effect'' here is not primarily a concomitant of the number of applications. That is a secondary cause of a more fundamental strategy of creating a network of captive users. The ''network effect'' is the number of captive users. Microsoft's market and its product are the network of customer-victims. The operating system is the chain that binds that network. This would not be the case with an open operating system, it is a consequent of deliberate artificial restrictions.

A cursory look at Microsoft's advertisements reveals what it thinks are its strongest assets.

1) Microsoft offers vendors and developers access to this large market. It is made to appear as if Microsoft were providing a service by building a market and making it accessible to commerce; in point of fact, Microsoft's role is to build a virtual wall and provide conditional entry on both sides of the gate, i.e., restricted access to the market and from the market.

2) Microsoft sells its business and marketing power. They say, ''join our Program X (on their unfavorable terms) and we will include you in our profit world, providing contacts and customers.''

2c) Broader costs and dangers.

MICROSOFT HAS PREVENTED SOFTWARE FROM BEING DEVELOPED, BY CHANGING THE DEFINITION OF THE SOFTWARE ENVIRONMENT. A stable platform is a pre-condition for long-lasting software, and the long operational life of the software amortizes the development costs. THE MICROSOFT MONOPOLY ABORTED THE BIRTH OF AN AMERICAN SOFTWARE INDUSTRY (on the low end of computing). Indeed, the benefits of the special laws written to encourage the healthy growth of that industry have been reaped by the main forces set against its development.

The development of the ''personal computer'' has been greatly retarded by its diversion to the dead-end of the single-user system.

A ''personal computer'' is in the first place a microcomputer. The same microcomputer is personal if used by one person in that way, and a group machine if used by a ''group''. With a multi-user operating system, different accounts can be set up and used concurrently, whether by a single person or a group of persons. Timesharing has been the norm in computing since the mid-nineteen-sixties; Microsoft is decades behind the industry. Compare the processor speed and memory of a 486 to a PDP–11! MS–DOS and MS-Windows are hopelessly uncompetitive on price/performance with multi-user DOS and Unix-like systems. (In a January 2002 column in ComputerWorld, Nicholas Petreley details how the latest version of MS-Windows is still sub-minimal in its ability to allow multiple users to function concurrently).

Computers are a technology that is inherently adaptable to personal styles of work. Microsoft has designed a system imposing a uniformity that undermines the liberating promise of this technology.

Not all software is an endpoint; software can be built on other software, e.g., customized macros. All of this is lost in the Microsoft environment. Microsoft is transience. The transience of Microsoft makes the solution of the problem before you relatively easy, since abolishing Microsoft will not hurt secondary developments. Old programs will not be lost—Microsoft has already robbed its victims of any programs and experience they might have developed through time. (In contrast, the UNIX and VMS programs that I wrote since 1982 are still usable today. The investment in learning UNIX and in writing for UNIX is still amortizable, and will continue to be good for decades to come.)

The Proposed Final Judgment shows no cognizance of the breakthrough in computing in the 1980's that multiplies the potential for programs to build on other programs. The Free Software Movement is revolutionizing the organization of computing and the potential values of computers.

The PFJ exhibits a parochial view that ignores that the world at large will be building its computer infrastructure on free software implementing open standards.

With respect to the two principal classes of victims: those working outside that closed market, and humanity as a whole, which has suffered multi-trillion dollar losses. The solution should not be inclusion in that market, because that Microsoft-dominated market is qualitatively inferior. The solution is the dissolution of that market and the migration to other, superior markets.

It is anticipated that the 21st century will experience ''Cyber Wars.'' Machines using Microsoft Windows are especially vulnerable and will be attacked. Every part of American life that relies on these systems will be placed in jeopardy by such an attack.

MS–DOS and MS-Windows are not secure. Every machine that is running such a system and is connected externally by network is vulnerable to attack. There is a multiplicity of vulnerabilities involved. It is common knowledge that Microsoft has a backdoor built into Windows— that means that Microsoft has built a means of external entry into Microsoft Windows; any program employing the entry sequence has complete control over the machine. Microsoft Windows is architecturally unsound and insecure—once breached, too much of the system is exposed; application programs run with too much power over the system. Microsoft has designed Windows to spy on its customer-victims (e.g., to survey non-Microsoft products and to verify licenses); these features can be ''cracked'' and exploited by non-Microsoft attackers as well.

An Internet Service Provider can read and store all traffic passing through its system. Control over ISPs gives Microsoft access not only to the work of their customers, but to all the email sent by their customers to innocent third parties. This power plus the power to read all networked machines running Windows adds up to a greater power than either taken severally.

As the world's citizens begin to employ higher quality, non-Microsoft systems that express true American values, our technological, industrial and military superiority will fade. (Already the export of Microsoft products to foreign markets is damaging the reputation of U.S.-made goods).

3) Why the proposed remedies are either useless or counter-productive. Many of Microsoft's improper and criminal activities have been exposed and addressed in prior cases. This proposed remedy and this proposed settlement offer a woefully inadequate structural framework for addressing these problems. Any analysis of how Microsoft expanded its monopoly and responded to previous failed attempts at correction would be sufficient to show that Microsoft has shown itself immune to these remedies.

Since an unambiguous specification of the system is not feasible given even the best intentions, it is always possible to claim compliance with the Decree while maintaining effective incompatibility.

A computer in a networked environment should not be considered personal. If Microsoft's market is defined as personal computers, the court will miss its mark. Microsoft is moving its market to the network, where the environment will be rental license-enforcing, insecure and privacy violating. Microsoft is able to tap and control computers running Microsoft Operating Systems owned by government, business, religious and non-governmental organizations, schools, research establishments, accounting and law firms, medical practices, and private individuals and families.

A secret OS and secret applications are able to work together secretly. MS-Windows can store information anywhere without the knowledge of the user. The OS has access to everything on the system. If encryption is done with software that Microsoft can identify, the OS can copy the plaintext that is being encrypted; and vice versa for the decryption.

In the absence of general legislation regulating the use of, and providing for inspection of, all source-secret software sold to the public and used by the government, the court must make decisions on how to counter this threat when exercising its supervisory power in cases such as this, where such software can be used in violation of antitrust laws.

The objective should not be minor adjustments to the profit-imbalance that exists for producers in that market. It is that closed market itself that should be the objective of the antitrust forces. THE AIM SHOULD BE THE MIGRATION OF TRAPPED CUSTOMERS OUT OF THE MARKET. This Proposed Final Judgment allows Non-Disclosure Agreements (NDAs). These agreements have been used by elements of the computer industry to circumvent (First Amendment) freedoms and to manipulate affairs to cover up information perceived by them as potentially damaging to them and to suppress progress.

4) Some recommendations for remedy.

It is critical for the remedies in the cases that have been and will be filed against Microsoft to define the monopoly in terms of the customer base and the software, not solely in terms of the hardware. Microsoft was not a computer manufacturer prior to the Xbox (peripherals aside). Microsoft enjoys a monopoly position on ''personal computer'' or ''Intel-compatible''-based microcomputers, and that monopoly needs to be addressed. Failure to acknowledge and address the other end of the monopoly (or the other monopolies) will mean that neither the discourse, nor the remedial action, will be able to track Microsoft across changes of hardware to handheld, ''game computers'', embedded devices, cable television and set-top boxes, assaults on the Internet and telecommunications, copyright enforcement, and the Microsoft charity racket, and extortion operations that rely on privacy violations and access to computers and Internet packets.

Compatibility with previous versions must be demanded and enforced. Programs written for a given version will be broken by revision (called by Microsoft ''Service Packs''). When software is changed, the system often breaks. So-called ''upgrades'' need to be rigorously backward compatible to avoid this. Customers do not want their working environment and their archives made unreliable or unusable by these forced purchases.

The file formats, communications protocols, interfaces and any other related material that is necessary to the migration of data tied to any application needs to be available to competing products and any other program for any purpose. It should be published and disclosed in full, at once and maintained for each revision on a timely, ongoing and accurate basis. Such disclosure must be in a form where anyone can access this material outside of Microsoft's knowledge, and with full indemnification from any so-called ''intellectual property'' issues. The interfaces and formats, like the ''look-and-feel'' are not the product, and should be considered as public domain, not as proprietary. The restrictions in the PFJ III. D and E are completely unacceptable; they are counter to the goals of the judgment. The goal should include that authors or companies engaged in developing conversion programs or products, in whole or in part, or providing such programs or services will be free to do so without any debt, royalty or obligation to Microsoft, its subsidiaries or partners. It is imperative to address boot problems such as mandating that Microsoft will not require a particular sector, partition, or drive and possibly providing penalties for interference by Microsoft with installation of other systems, for example, by erasing or destroying the integrity of other partitions.

Copyright the screen?

In the appeal of this very case, Microsoft claims that because they copyrighted the appearance of their product's image, they should be able to prevent the owner of the screen from displaying a related image. Please consider the clear implications of this ownership argument for all the other copyrighted screen images in the world.

Following the bombing of the World Trade Center, the Red Cross had to put out a call for Microsoft licenses. It should be made clear to everyone in the world that license restrictions have no force in emergencies. Attempts by companies such as Microsoft to put automatic license enforcement into software can potentially result in death, possibly on a large-scale.

On remedy by disclosure of API's:

Microsoft programmers in other parts of the company have access to these critical details in advance of their competitors and can influence the design decisions. A wall of separation is a necessity, so that no internal or privileged communications occur. (See for example Network Solutions, Inc. where such a wall has been created between the registration of domain names and the database implementation. (I have no knowledge of whether this has proven successful, but I cite it as a precedent for this approach, perhaps worthy of investigation.)) Microsoft has the sole power to decide and effect changes. One of the central problems in software maintenance is the cost of changed designs, including interfaces. In particular, this is a major concern of the area known as ''Object-Oriented Programming'' (committing to an interface is considered by some authors as a ''contract'' between the

programmer/designer and the user of the program interface). Computer programs are best written by individuals or small teams. In any large project, and Microsoft Windows is one of the largest, no programmer or manager can comprehend or control the situation, even with full access and authority. There are multiple versions, some written specifically for individual OEMs and clients (and doctored versions submitted to courts), and multiple revisions. The capability of even Microsoft to find what it wants and effect changes that it wants is costly and limited. This is further compounded not only by the complications resulting from proven misconduct but by the quality of Microsoft's design, programming and development environment. An inspector or team of inspectors appointed by the Court would have limited capabilities even under the dubious assumption of a willing and helpful host.

Make sure that inspectors are not limited to read-only access. The rules of engagement must include the ability to copy, modify and test the programs in whole or in part, in special environments and in conjunction with any programs immunized from all licensing restrictions. Non-disclosure agreements have been used to neutralize critics, by exposing them to material covered by the NDA.

Divest all Internet-related holdings including UUNet, Spyglass and hotmail. Terminate the NCSA Mosaic license to Spyglass.

The proposed final judgment focuses too narrowly on the motive of large profits in its analysis of the dynamics of the computer market. Most authors of books, articles, music, poetry, and computer programs do not have such an expectation, and are thus not motivated by it. The force of not-for-profit work in computers is an indisputable fact. (The Internet was built by volunteers). This Judgment threatens to strangle these great creative forces.

I urge all actors in this case to exercise the options under the Tunney Act and withdraw the proposed settlement.

Michael E. Smith
MESmith@panix.com

MTC–00027577—0008

From: Joe Martin
To: Microsoft ATR
Date: 1/28/02 4:44am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Re: Microsoft Settlement

I have been following the Microsoft Antitrust case with great interest. As a consumer, I find myself very much at the mercy of Microsoft's monopoly power. When I shop for a computer, I see only one brand of software available pre-installed—Microsoft. Email attachments I receive are often in file formats that can only be read by Microsoft software. I have felt like a captive of this juggernaut for years, and I fear the future holds more of the same.

When I learned that Microsoft had been found guilty of anti-competitive use of their monopoly power, I was encouraged. I looked forward to seeing them punished for their illegal actions, and restrained from repeating them in the future. I was very disappointed to read the proposed settlement. There appears to be no significant penalty for the past abuse of their monopoly power. I saw only the mildest of restrictions, aimed at industry conditions of the past rather than of the future. Microsoft keeps all the fruits of their past criminal behavior, and there is no incentive not to behave as arrogantly in the future as they have in the past. The provisions are cleverly drawn, so as to leave Microsoft plenty of room for evasive maneuvers. Interestingly enough, they are also worded so as to deny any relief to developers of open source software, which Microsoft has acknowledged as the greatest remaining threat to their dominance of the software industry.

The stock price told the story. It was not significantly affected by publication of the proposed settlement. The industry recognized that it would have little impact. An adequate settlement should have some impact on Microsoft's business, and this is not an outcome to be feared. Exposing the perpetual windfall that is Microsoft to the pressures of normal competition will be a good thing for the economy as a whole.

I would look for two things in any acceptable settlement. First, penalties that punish past abuse, and then restrictions to prevent future abuse. Many possible measures would serve both objectives.

Consider the following:

1.) Make Microsoft publish all of their proprietary file formats and communication protocols immediately. Specify harsh penalties if they are inaccurate or incomplete in publishing these. They should be required to drop all proprietary extensions to industry standards from their Web development software, except for such extensions which are accepted by a majority of competitors in the industry within a reasonable time after their publication.

2.) Void all exclusive or restrictive agreements with PC vendors which impose any financial or other penalty, direct or indirect, for including competitors'' application software or for selling PC's loaded with other operating systems. Prohibit such agreements in the future.

3.) Require Microsoft to strip XP of all bundled applications for which established competitors offer free versions of an alternative. They are repeating in the multi-media player software market the exact same conduct for which they were just convicted in the Internet Browser market.

4.) Consider dividing the company, but not in the way most often proposed. The link between operating system and applications has been exploited so thoroughly that the damage cannot practically be undone, but the link between software and the delivery of services and content has not yet been exploited to the same extent. Require Microsoft to spin off all software development operations, separating them from the services and content portion of their business.

Appoint monitors at each resulting unit to enforce their independence from each other. Alternatively, consider regulating them as a monopoly, just like a utility. Control their prices, and supervise the quality of their service, for the benefit of consumers.

The consistent pattern of Microsoft's behavior in the past is a fair way to predict future behavior. Unchecked, they can be expected to use anti-competitive measures in their efforts to dominate the markets they are entering now and chose to enter in the future. I would say to the court that you have an unrepentant law breaker in your hands, a repeat offender. Deal with them severely.

Thank you for considering my comments.

Jonathan Martin
Mobile, AL

MTC–00027579

From: John Giannandrea
To: Microsoft ATR
Date: 1/28/02 4:52am
Subject'' Microsoft Settlement
Attached in HTML and Plain text.
http://www.meer.net/j g/doj—
comments.html
jg@meer.net
Comments on the Revised Proposed Final
Judgment
http://www.meer.net/ig/doi comments.html
John Giannandrea, Independent Software
Developer,
Formerly ('94-'99) Chief Technologist in the
Internet Browser group at Netscape/AOL
Summary

After reviewing the Revised Proposed Final Judgment, the Competitive Impact Statement, the May 18th 1998 Antitrust complaint together with the findings of the District Court and the Court of Appeals I submit that the Proposed Final Judgment fails to describe effective remedies for Microsoft's illegal activities.

An effective Final Judgment would prevent recurrence of the illegal behavior and provide relief and protection for independent software developers to develop innovative new middle-ware products and compete with Microsoft in the market for Windows software. The terms of this Final Judgment will not achieve this result because it is seriously flawed.

These comments briefly describe the following problems with the Proposed Final Judgment:

1. Problems with the scope of the remedy
2. Shortcomings in the OEM configuration provisions
3. Loopholes and technical shortcomings with the wording of the judgment
4. Restrictive language related to Intellectual Property.
5. Problems with the term and proposed implementation
6. Flaws in several of the definitions

Taken together I believe these flaws in Proposed Final Judgment make it an inappropriate remedy for the illegal behaviors found by the Court of Appeals. While changing some of the specific wording of the Final Judgment and removing some of the loopholes will make it stronger, on balance it is a wholly inappropriate remedy for the ongoing harm done by Microsoft in protecting and extending its Windows monopoly.

jg@meer.net
January 27th, 2002.

1. Problems with the scope of the remedy

There are several problems with the scope of the proposed remedies which are likely to make it ineffective in practice. The Final Judgment does not correct the harm done to the marketplace today by Microsoft's existing software products, nor address the issue of backwards compatibility and harm done to the market by ongoing changes (''upgrades''). Nor does the Final Judgment address the crucial issue of APIs in Microsoft middle-ware products themselves, as opposed to APIs in the Windows Operating System Product.

1.1 What products fall under the proposed remedy?

Sections III.D, III.E and III.H limit the practical effects of the Final Judgment to some future versions of Microsoft's latest operating system product (WindowsXP, SP1) or 12 months from submission of the Final Judgment. This will not provide effective remedy for the actual installed base of Windows users, of which WindowsXP remains a small minority. Microsoft's monopoly position is, and will be for the length of the initial proposed term, made up of Windows2000, WindowsME, Windows98 and Windows95 products and their associated middle-ware product lines. It is in these products that harm is and was being caused by the illegal activities. For the Final Judgment to be effective in providing relief, the communications protocol and Windows API disclosures need to apply to the actual installed base of Windows. It is no more technically difficult for Microsoft to document current APIs than it is to do so in future products.

The final paragraph of III.H limits the proposed remedies to middle-ware as defined by a timeline relative to the release of new Windows operating system products. The reality is that the illegal conduct relates to all existing and past Microsoft middle-ware products, and the release of future versions of Windows will not significantly affect the harm being done in the marketplace. There is no technical reason why existing Microsoft and non-Microsoft middle-ware will not be compatible with future versions of Windows. In fact Microsoft makes considerable effort to ensure that Windows is ''backwards compatible'' with its own applications.

Remedies need to apply to all future versions of Windows, and all middle-ware now and in the future, and the obligations of the monopoly holder should not change unilaterally with a product release cycle under their express control. Much of the harm found by

the Court is related not just to the disclosure of interfaces and APIs, but to the fact that Microsoft can stop supporting a documented feature or API without consulting the affected parties.

One possible way to improve the Final Judgment would be to add a new condition to [II. C. that allows OEMs the option of shipping any prior Microsoft middle-ware with any subsequent version of Windows.

1.2 Middle-ware APIs are as important as Windows APIs

Section III.D. proposes that Microsoft shall disclose APIs used by its middle-ware to interoperate with a Windows operating system. Since middle-ware such as Internet Explorer or Windows Media Player has added, subtracted or altered significant APIs with each subsequent version, including minor, so called ''maintenance'' versions, and since these APIs are depended on by the the majority of ISVs. III.D. should be extended to require disclosure of all APIs used by, or provided by any Microsoft middle-ware product, including APIs in other middle-ware software.

1.3 Changes to current and past middle-ware needs to be covered

The definition in VI.J excludes software in minor version changes from the definition of Microsoft middle-ware. Yet it was exactly such a minor change that disabled Java for millions of Internet Explorer users, or forced thousands of ISVs to abandon the Web Plug-in API and redevelop or abandon their middle-ware. (See http://www.meer.net/jg/broken-plugins.html)

At a minimum all software middle-ware released by Microsoft and in use by a majority of Windows users should be covered by the Final Judgment for it to be effective.

2. Shortcomings in the OEM configuration provisions

It is clear from the findings of the Court that there needs to exist remedies that enable OEMs and End Users to be able to add, remove and replace middle-ware without limitation by Microsoft through its Windows product. It has been shown to the Court that its technically easy to allow middle-ware either from Microsoft or its competitors to be added and removed from the Windows operating system. The current language in the Final Judgment does not protect distribution of new and innovative forms of middle-ware and therefore fails to remedy the current situation where investment and competition in Windows middle-ware is ''chilled'' by Microsoft's prior and current practices.

III.H.3 allows Microsoft to undo an OEM configuration in any subsequent version of a Windows product and to change the way an OEM's configuration interacts with Windows in each subsequent version. This lack of ''backwards compatibility'' is in Microsoft's interest at the expense of the OEM's investment.

III.H.3. Allows Windows OS to undo an OEM's configuration automatically after 14 days. But it does not give the same capability to an ISV, or the OEM themselves. If a third party provides competitive differentiation by adding features and services on top of Windows they should be able to do so with no hindrance from Microsoft at all. If it is determined that Windows should have a ''revert'' feature that disables or undoes an OEM's enhancements, then that feature should have an ''undo'' capability so that the enhanced product purchased from the third party is not irreparably harmed by the behavior of the Windows software at some later time.

III.H attempts to give end users and OEMs the right to add and replace non Microsoft middle-ware with competitive middle-ware, an essential component of the proposed remedies. Rather than just stating this as a simple requirement, additional restrictions are imposed in III.H.2:

that competing middle-ware be replacing a Microsoft middle-ware

that the middle-ware be a specific subset of possible middle-ware that has a particular and limited type of user interface

that Microsoft can require (and itself present?) a confirmation dialog for the end user if the change is made by software that the user presumably installed themselves

III.H.3 imposes conditions on Microsoft operating system products altering OEM configurations, but Microsoft middle-ware also has a documented history of making such alterations. The Final Judgment does not protect OEM investments or end user choices unless it enjoins all Microsoft software products from altering, without express permission, the end user experience. It is exactly Microsoft's ability to make unilateral changes that expresses its monopoly power and distorts the market for improvements to Windows.

The mechanism proposed in III.H. 1 allows Microsoft to provide a interface choice to enable ''all Microsoft Middle-ware Products as a group''. This should be specifically disallowed since it reinforces the distinction between Microsoft and non Microsoft software, and suggests that an end user would be given the default choice of ''taking everything'' (i.e. all available Microsoft middle-ware, turning off competitors middle-ware) in order to allow ease of use and configuration.

III.C.3 The requirement that a non-Microsoft middle-ware product should display a user interface ''of similar size and shape'' to a Microsoft middle-ware product is technically onerous. The additional inferred requirement that a middle-ware product can only launch automatically if a Microsoft middle-ware product were otherwise to do so, is also technically unreasonable. If the purpose of this remedy is to allow competition in such middle-ware; to allow, for example, an OEM to configure a PC so that it connected automatically to an IAP or ICP on boot up, then these restrictions would preclude this.

3. Loopholes and technical shortcomings with the wording of the judgment

There are significant exceptions and conditions attached to the definitions used by the Final Judgment. These exceptions appear to make the remedies themselves weaker and in several cases are technically inaccurate or groundless.

3.1 Excluding existing middle-ware Section III.H after III.H.3 describes two exceptions where Microsoft middle-ware would be allowed to execute in preference to competing Middle-ware. These exceptions effectively negate the value of III.H and are seriously flawed.

3.1.1 The first exception is for middle-ware ''invoked solely for use in inter-operating with a server maintained by Microsoft''. Given the current and past scope of MSN and the services provided by various servers in the ''microsoft.com'' domain, this exception is unreasonable. For example, a component of Windows that contacted a server to upgrade or maintain the device driver software on a Personal Computer would be exempt from III.H. This would presumably preclude an OEM from providing their own value-add service using the same component APIs of Windows. As the value and

prevalence of network services grows, Microsoft would be able to continue to exclude competing middle-ware as long as they could define the service as being hosted at Microsoft. This would also include most .NET services, which Microsoft has publicly stated will be at the core of most end user functions in all future versions of Windows. The proposed remedy for past behavior is ineffective.

3.1.2 The second exception is if ''non-Microsoft middle-ware fails to implement reasonable technical requirements...''. This is an unreasonable and overly broad restriction on the proposed remedy. The specific example given, failure of support ActiveX, is a most egregious example. ActiveX is not a feature of Windows, it is an API created for Internet Explorer middle-ware expressly to tie that middle-ware to the Windows platform. In a healthy competitive environment it should be end users that conclude if middle-ware is providing ''functionality consistent with the Windows product'', not Microsoft. The idea that Microsoft themselves are qualified to say what is and what is not a valid non-Microsoft middle-ware product puts the fox in charge of the henhouse. In fact by the definitions of this section of the Final Judgment, most existing successful non-Microsoft middle-ware (Java, Netscape Navigator, Web Plug-ins) would be exempt from the remedy. It was precisely the success of these products, demanded by end users, that precipitated the threat to Microsoft and led to the illegal behavior.

3.2 Limitations on disclosure of communications protocols

Section III.E. Requires disclosure of any communications protocol implemented in a Windows OS installed on a ''client'' computer.

This would appear to exclude protocols implemented as Microsoft middie-ware, such as Web Browsers, or communications middle-ware such as e-mail programs (Outlook Express) or streaming media players (Windows Media Player). It would also appear to exclude protocols implemented in the same copy of Windows, running as a ''server''. Given the advent of ''peer-to-peer'' computing this distinction excludes more significant protocols than it includes. To meet the intent described in the impact statement, the requirement should be the disclosure of any communications protocol implemented by the Windows Operating System Product and any Microsoft middle-ware product.

3.3 Preventing disclosure on ''security'' grounds. Section III.J. 1.a attempts to limit the APIs and protocol descriptions to be published as part of the proposed remedy. The exceptions include those that would ''compromise the security...'' of the Microsoft products. It is well known and supported by the majority of reputable computer security experts, including many who work for Microsoft Corporation, that disclosure of the mechanisms of software makes it more secure, not less secure. In fact requiring Microsoft to document and disclose APIs will make the products more secure as flaws are discovered by peer review and then repaired. Computer security should not be considered valid technical grounds to limit disclosure.

3.4 Limitations on who can access the disclosures

Section III.J.2 places all kinds of limitations on the disclosure of the information central to the proposed remedy. In III.D the Final Judgment requires Microsoft to disclose APIs to all listed parties via ''MSDN or similar'' i.e. publicly and for a small fee. This conflicts with III.J.2 which allows Microsoft to withhold such information unless Microsoft itself determines ''a reasonable business need'', or that the requester meets ''standards established by Microsoft for ... viability''. These restrictions are unnecessary and are not vital to the remedy. The required information should be disclosed simply, via MSDN or Microsoft.com, to anyone who has a valid Windows license. Section III.J.2 additionally requires that non-Microsoft middle-ware innovators be in ''compliance with Microsoft specifications'' and, at their own expense, pass a Microsoft defined third party verification test. These new tests and requirements are onerous, and do not exist in the market today except as optional marketing programs. In particular the non-Microsoft middle-ware at issue in the anti-trust action would not have met these standards. These additional requirements and limitations will serve to place further hurdles in front of middle-ware ISVs. They only serve the interests of the monopolist in limiting access to the required APIs as has happened in the past as documented in the Findings of Fact.

4. Restrictive language related to Intellectual Property.

The licensing terms implied by the Final Judgment are both more onerous than the prevailing market today, and unfairly biased in favor of Microsoft.

The terms of III.G are not in force if Microsoft licenses intellectual property from the third party. This would appear to allow, for example, Microsoft to enter into an exclusive distribution arrangement with an ICP if the ICP had a reciprocal license to Microsoft for some middle-ware enhancement related to their Internet content. This kind of transaction is common in the industry today and would seem to weaken the intent of III.G Section III.I.5 grants Microsoft the right to require a competitor to license to it IP rights to ''relating to the exercise of their options or alternatives provided by this Final Judgment''. This is an onerous and unreasonable requirement because Microsoft does not need such non reciprocal IP rights to comply with the Final Judgment. (Could such rights be licensed father by Microsoft to other ISVs?)

III.I requires Microsoft to reasonable and non discriminatory licensing of any intellectual property required for the market to take advantage of the provisions of the Final Judgment. However there is a restriction (H.III.3) on sub-licensing. This would in practice curtail most ISV business models if a technology innovator was unable to resell its technology to an ''end user'' OEM or ISV without that entity then being required to obtain a license from Microsoft.

The last paragraph of III.I explicitly states that the terms of the Final Judgment will not confer any rights with regard to Microsoft IP on anyone. But as the Final Judgment requires disclosure by Microsoft of APIs, protocols and detailed documentation of mechanisms inherent in middle-ware interfaces, then certain legal rights are in fact surrendered in most jurisdictions.

III.I does not address the significant and influential market in royalty free software (such as Linux) and the open standard nature of the Web protocols and standards. Industry standards groups which Microsoft itself is an active member of such as W3C (The World Wide Web Consortium) customarily require all APIs and protocols to be royalty free. Yet III.I potentially places further restrictions or costs on ISVs developing products and innovations under that model if they wish to integrate them with Windows.

5. Problems with the term and proposed implementation

5.1 Term is not long enough

The Final Judgment has a term of five years (V.A), or seven years with additional violations. Given the pattern of illegal behavior by Microsoft since 1995 and the fact that Windows Operating system product cycles are frequently many years apart, the scope of this agreement appears unusually short. A 10 or 15 year agreement would be more appropriate.

5.2 Issues with creating a competent technical body

The Final Judgment requires a three person technical committee. While this committee is intended to be knowledgeable about software design and programming, it also needs to be knowledgeable about Internet standards and protocols, online transactions and web e-commerce architectures and business models. It is unlikely that a committee as small as three people will have the requisite skill set to oversee the broad range of initiatives and innovations that center on the Windows platform and are the subject of the monopoly concern. The committee would be more in keeping with industry standards and accepted practice if it were larger and comprised of experts in several fields.

5.3 Public disclosure of information relating to enforcement

Section IV.B. I0 and other language in IV (e.g IV.D.4.d) suggests that the Final Judgment requires the work of compliance and technical overview to be conducted in secret. For example if an ISV submitted a complaint to the TC or the Microsoft Compliance Officer it is not required that the complaint and its response be published (IV.D.3) It would be more in keeping with industry standards and accepted practice for technical discussion around the enforcement of a Final Judgment be open to wider technical review. This would improve the quality and accuracy of such review as well as reassuring the community of OEMs, ISVs etc. that the enforcement process was actually working. At a minimum there should be a requirement that the TC host an independent web-site to communicate with the industry about the status of enforcement issues.

6. Flaws in several of the definitions

There are many problems with the definitions of key terms that affect the meaning and substance of the Final Judgment.

VI.A. A suitable definition for Application Programming Interface needs to include interfaces provided by middle-ware itself, since middle-ware can include tiers of software, not just a simple arrangement where middle-ware calls the Windows software layers. A more accurate and common definition of APIs would be independent of both the terms Windows and middle-ware.

VI.B. The scope of Communications Protocol should not be limited to communications with a ''server operating system''. This excludes the concept of one Windows XP PC talking to another PC, which is a common occurrence and should be within the scope of the remedy. ''Peer-to-peer'' is an example of a middle-ware category that is not covered by this definition.

VI.J.2 and VI.K.b.iii both require that the covered software be ''Trademarked'' to be under the terms of this agreement. This requirement seems to exclude certain middle-ware. For example ''My Photos'' and ''Remote Desktop'' are new middle-ware in WindowsXP and are apparently not trademarked. VI.T defines Trademarked to exclude certain named products regardless of their impact in the market.

VI.J.4 excludes software that has no user interface, such as a streaming video codec or a web commerce protocol handler. VI.K. 1 lists certain products explicitly as middle-ware. Given that the Final Judgment as written only covers Windows XP and subsequent versions (it should be modified to cover prior versions), the list of covered products and categories should also include MSN Explorer, Microsoft Outlook and other Microsoft Office components, Windows Movie Maker and others.

VI.N limits the definition of a ''non-Microsoft middle-ware product'' to one that has shipped 1,000,000 copies in a previous year. Under this definition, Netscape Communicator would not be covered by this Final Judgment, nor would Sun's Java JVM, both examples cited by the Court of middle-ware that require relief. The idea that a competing product has to already be successful to receive the protection of the Final Judgment is flawed. This condition should be removed.

VI.N defines non-Microsoft middle-ware in terms of code exposing APIs, which are defined in VI.A as being uses by Microsoft middle-ware (this is a circular definition). More importantly, non Microsoft middle-ware should not be defined more narrowly than Microsoft middle-ware. Not all middle-ware ''exposes a range of functionality to ISVs though published APIs'' although some (like Java) does. The original Netscape 1.0 web browser would have failed the definition in VI.N VI.Q defines Personal Computer as using an Intel x86 processor. Microsoft has in the past and will most likely in the future ship Windows Operating systems for processors other than x86. The Court found that Microsoft's illegal practices in respect of distribution of Internet Explorer also extended to the Macintosh Power-PC platform so this definition is overly narrow.

VI.R. 150,000 beta testers is an unusually large number, even for Windows and suggests that ''timely manner'' would be defined as the last test release of a Microsoft product rather than the first public test release. The interests of the enforcement are better served if Timely Manner was defined as the first public test release of a Windows OS product.

MTC–00027580

From: Jason W. Solinsky
To: Microsoft ATR
Date: 1/28/02 4:54am
Subject: Microsoft Settlement

My name is Jason W. Solinsky. I am a software entrepreneur and have served as the Chief Technology Officer of four different enterprises.

I am writing in opposition to the proposed settlement of the Microsoft anti-trust case.

My opposition is for the following reasons:

1. The proposed settlement is almost entirely focused on measures to prevent abuses by Microsoft in the future, and does not address past behavior in any substantive way. Nor does it provide any incentive for Microsoft not to repeat its past actions.

Microsoft was found to have violated the Sherman anti-trust act in numerous ways to preserve its monopoly on consumer operating systems, the single most valuable monopoly on the planet, conservatively valued at $150–200 billion dollars. As a software entrepreneur, I can tell you that every startup is asked ''The Microsoft Question'' by potential investors. ''How will your venture fair if Microsoft decides to aggressively target your space?''. A fear that Microsoft will do to new companies what it did to Netscape has caused at least six companies that I am personally aware of not to be started. This suggests that nationwide THOUSANDS of new enterprises and sources of innovation and competition for Microsoft have been destroyed by Microsoft's behavior.

Despite this, the proposed settlement is almost entirely focused on preventative measures. If, in 1995, Microsoft was offered the choice of ceasing all illegal activities or entering into this settlement in 2002, Microsoft would, without question, have chosen this settlement. Protecting a $200 Billion dollar asset, even slightly, is worth suffering the negligible restrictions placed on Microsoft by this settlement a thousand times over. By offering a settlement which results in a business outcome that is superior to not violating the law in the first place, you send a clear message to future executives that they can ignore our nation's anti-trust laws with beneficial results.

2. The proposed remedies will not prove effective in preventing future abuses by Microsoft. The findings of fact, made much of the fact that the software industry is a rapidly changing business. The department of justice seems to have completely forgotten about this in drafting the settlement. Nearly every provision has had loopholes placed in it that dramatically weaken its effectiveness.

As an expert in computer security, I would like to focus in particular on the provision that exempts Microsoft from disclosing the details of its security APIs if Microsoft feels that such a disclosure would compromise the security of its products. I note the following:

A: The single most important step in ensuring the security of a product is public disclosure of its security mechanisms. This allows other experts to review its safety, and it permits potential users to make informed decisions about the risks inherent in the product. Especially in the wake of September 11, allowing an exemption which encourages less secure products is unthinkable, yet that is precisely what the department of justice proposes to do.

B: Microsoft has historically used security protocols as a method of preventing compatibility with third party products. Witness what Microsoft did with Kerberos. It doesn't matter how open Microsoft's APIs are if they are permitted to design incompatibilities into their security protocols that prevent effective interoperation.

Given this is surprising and unfortunate that the Department of Justice has agreed to this provision. If no other change is mode to this settlement, which on the whole I believe is entirely in adequate for the circumstances, I strongly encourage the DOJ to tighten this provision by providing that a SINGLE COMPUTER SECURITY EXPERT UNAFILLIATED WITH MICROSOFT be given the ability to review all materials that Microsoft wishes to keep secret under this provision and UNILATERALLY reverse Microsoft's decision. Anything less will not only result in less secure products, but will give Microsoft a government-endorsed anti-competitive tool so powerful, that the remainder of the settlement is of little significance.

In conclusion, I think that this entire settlement is inadequate for the circumstances, and encourage the DOJ to pay particular attention to the security exclusion, which reflects a lack of knowledge of computer security by its drafters.

JWS

You can contact me as follows:
Jason W. Solinsky
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(617) 547–3555
CC:solman@uspowersolutions.com@inetgw

MTC–00027581

From: Ohairyl@aol.com@inetgw
To'' Microsoft ATR
Date'' 1/28/02 4'57am
Subject'' Microsoft Settlement

I oppose the settlement reached in the Microsoft antitrust case. I am not a lawyer and I had a lot of trouble as a result, trying to follow the documents made available to the public at: http://www.usdoj.gov/atr/cases/ms-settle.htm#docs but I and my family and business do use computers, and the outcome of this case is critical to our future.

I just fail to see that there is any penalty in the settlement, and I fail to see any admission of guilt on the part of Microsoft (MS) or its senior executives. On the contrary, with the exception of the fact that there will be three people charged with monitoring MS for a very limited time (MS has been making flagrant violations of law and of ethics for over twenty years!), there seems to be no penalty at all. There is no fine, and there is no breakup. Historically (to the best of my recollection, including AT&T and Standard Oil) in the case of major monopolies a breakup always came about

which would allowed increased competition not only with outside competitors bu t also among the various new units resulting from the breakup.

I am also concerned about the Department of Justicef??s (DOJf??s) and the Governmentf??s interest in the public interest. It was explained shortly after the September 9, 2001 terrorist attack that the government felt the pursuit of justice with respect to MS was not a high priority. I was shocked at the comments. No other felon was let off the hook because of the events of 9–11.

I am further concerned about major political contributions made in 1999 and earlier and the impact that they have on the Governmentf??s view of what is right and wrong and what penalties should be imposed. The specter of impropriety is certainly present.

And I am concerned about MS's influence during this public comment phase because in the past it has been demonstrated that MS has orchestrated a f??stuff the ballot boxf?? approach which they have taken many times in the past while trying to influence the Government and the public to act in its (MSf??s) behalf. One recent example of this was reported by ZDnet News (http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html):

<<In December, Java was more popular than .Net for building Web services, according to a ZDNet UK poll, but weeks later the position had dramatically reversed; investigation revealed just what lengths Microsoft will go to to promote its products

Thus I wouldnf??t be surprised at all if they have tried to rig this public comment phase of the f??settlementf??toward their own best interest. What has the impact of MS's collective behavior, ongoing yet today, been on the public? Take the cost of computer operating systems as but one apparent example.

A competitor with about 5% of the market sells its new operating system, Mac OS X v10.1, for a recommended retail of $129. Updater packs were made available to users of the earlier OS X v10.0 for free, for about 5–6 weeks after release. After that the updater package costs $19.95 direct from the manufacturer, with proof of ownership of the v10.0 software. Microsoft meanwhile also introduced a new operating system (well, a modification to Windows 2000) called Windows XP (Win XP). The updater for the f??homef??edition has a recommended retail of $99, while the full version of this edition is $199. But to get the full-featured version one needs to buy the f??Prof?? edition for which the upgrade costs $199 and the full version costs $299! I note that Mac OS X v10.1 is a full blown OS, not a f??Homef?? version, and that the full-blown networking capability built into OS X can only be obtained on the Windows/Intel platform (IBM compatibles, or f??PCsf??) by buying Win XP Pro.

Further more, the lack of competition permits these overpriced products to be inferior in many ways. One way seen by all in recent weeks is the admission by Mr. Gates that MSf??s products lack security. Indeed many security updates have already been released for Windows XP which MS calls f??The Worldf??s Most Secure Operating Systemf??! Security and freedom from attack by viruses have plagued the Windows-based software for years, and yet because there are no real alternatives the public has little to no choice or say in the issue. Given that the MS user base is about 90% of the marketplace worldwide, versus Applef??s 5% (with the balance being distributed among users of Linux, Unix, BeOS, IBMf??s OS2 and a few others), and that Win XP was in development about a year versus some 6–8 years for Mac OS X, there is something drastically wrong with this pricing structure in that the products from Microsoft, by any comparison or analysis, are dramatically overpriced.

But what in the settlement addresses this? What penalty is imposed for the past practice of overcharging for products that has resulted because of the monopoly obtained by illegal and unethical business practices?

Further the company has taken steps in Windows XP to further defeat competition! For instance, the plug-in for the international streaming media standard for the Internet, namely QuickTime, was deleted from this version and further the former version of the plug-in no longer works because of a slight change in the code of this operating system (OS). Another example is that MS made other changes to Win XP which drop support for what was called f??NetBEUIf??, which made communication between PCs and Macintosh computers (using programs such as MacSOHO and Thursbyf??s DAVE) possible. And yet, while MS has dropped support for NetBEUI, their own web site makes it available for installation into XP, but has a very obtuse statement, on a page called f??How to Install the Netbeui Protocol on a Windows XP-Based Computerf?? posted October 25, 2001 at: http://www.microsoft.com/WINDOWSXP/pro/using/itpro/networking/netbeui.asp The statement on this page reads: f??This article describes how to install the NetBEUI protocol on a Windows XP-based computer. This may be useful because the NetBEUI protocol is not included in the list of installable protocols in Windows XP even though the files that are needed to install the protocol are included with the installation CD-ROM. It is important to note that the NetBEUI protocol is not supported on Windows XP.f??

So the attempts by MS to defeat any competition by questionable means continues even through and beyond the judgment of guilt and the pursuit of the penalty for that guilt!

Thus, to this day, the leadership of Microsoft continues its practices, and refuses to admit any guilt. In and fact in public appearances both Mr. Gates and Mr. Balmer have denied any wrongdoing or any guilt either by the members of the leadership or by the corporation, and not only are non-repentant but also seem to taunt the world to do anything about their behavior!

How, I ask, is a panel of three over a period of five years, going to end these practices and bring about legal and fair behavior not only in terms of the competition MS faces, but also in terms of the pricing of its monopolistic products? It canf??t and it wonf??t. The behavior and business practices continue to this day and will march on into the indefinite future. Indeed ALL settlements to date seem to have been dictated to the prosecutors and the various governments and individuals brining suit in all trials. ALL these settlements enhance MS's long-term dominance, and do essentially nothing to penalize it or to force it into a position where the end of unfair, illegal, immoral, unethical and anticompetitive can be assured!

In closing, I am dismayed that the illegal tying of features to its software which inhibit and prohibit competition is not being pursued but indeed is continuing unflagged, I am dismayed that there is no economic penalty imposed. I am dismayed that the same leadership which resulted in the flagrant violations in the first place will continue to guide this company and that the company has not been broken into separate divisions with new management. I am dismayed that nothing anywhere addresses the overpricing of inferior products which has occurred for decades and which continues to this day. And I am dismayed that the attempt to prevent future behavior is, as a result of the flaws noted in the settlement, totally inadequate to the task. I sincerely hope that as a result of these considerations, the settlement reached will be vacated and that the Department of Justice will dictate to Microsoft the penalties which should be forthcoming, instead of allowing Microsoft to dictate what it is willing to accept.

With sincere regards,
Robert J. Patterson, II
1825 SE Mandrake Circle
Port St. Lucie Florida 34952
Ohairyl@aol.com

MTC–00027582

From: Mildred Olsen
To: Microsoft ATR
Date: 1/28/02 4:58am
Subject: Microsoft Settlement

Please except settlement. Our economy is being drained by lawsuits, manufacturing overseas movements and overseas sell offs. PLEASE put America first and not self serving interests that are destroying our economy internally.

Having grandchildren, I often wonder what they will be facing in thirty years from now!

Mildred Olsen

Very small business owner using materials made in America.

MTC–00027583

From: Add-Hoc Enterprises
To: Microsoft ATR
Date: 1/28/02 5:10am
Subject: DOJ/Microsoft settlement comments

To whom it may concern:

I am writing to express opposition towards the proposed antitrust settlement between the Department of Justice and Microsoft.

Although not trained in legal matters, I believe that a settlement, to be defensible, must provide remedies for the alleged violations affirmed by the Court of Appeals'' ruling. The current proposal does not prescribe any remedies for the court's finding of liability for monopolization.

The proposal does not provide adequate reparations for many issues. Many of the

provisions apply to Microsoft products and services currently shipping (i.e. Windows Operating System and Microsoft Developer Network,) but changes in computer technology and product branding such as .NET would allow Microsoft to easily bypass these restrictions within the five year life of the settlement. Thus, the settlement should not be tied to particular Microsoft product(s), but should focus on Microsoft's anticompetitive behavior. Also, the provision that prohibits Microsoft from retaliating against businesses that do not support its products lacks a clause to disallow Microsoft to reward companies that do support them (i.e. bonuses and spiffs.)

Ultimately, the proposed settlement would do little to restore competition.

Thank you for your consideration.

Respectfully,

Richard Clayton

Phoenix, AZ

MTC–00027584

From: Donovan Jocque
To: Microsoft ATR
Date: 1/28/02 5:18am
Subject: Microsoft Settlement

To USDOJ,

Settlement is a bad idea.

Any proposed settlement that would effectively allow Microsoft to continue in it's abuse will be bad for everyone. Microsoft can not be trusted to do as they say; enforcement is needed.

Moreover, any proposal that would extend Microsoft's OS monopoly into the education sector would be disaster for consumer choice. If Microsoft takes over the education market, the Apple platform's long-term viability will be threatened.

Please, do not settle on Microsoft's terms.

Donovan Jocque

Commerce, Michigan

MTC–00027585

From: Yajima Satoshi
To: Microsoft ATR
Date: 1/28/02 5:19am
Subject: Microsoft Settlement

I'm happy to submit my comment on Microsoft Settlement. I would like to say that Java is somehow misunderstood. Before the judgement, it is necessary to reconsider what Java really is.

* Java is rather more disadvantageous to customers;

(Windows never need Java.)

Although Java is said to be multi-platform, it is NOT correct in some sense.

Java is one monopolying platform which prevents each vendor from developing their unique features of operating system. Java uses its own User Interfaces which would eliminate unique User Interfaces features of each OS vendor.

Most of Windows customes are NOT familiar with the Java standard user interface, Swing.

Java is a threat thad prevents operating system from persuing unique benefits of each own features.

So, it is not strange that Microsoft didn't adopt pure Java technology.

Best Regards,

Satoshi Yajima (kv8s-yjm@asahi-net.or.jp)

Itabashi, Tokyo, Japan

MTC–00027586

From: Scott McCarty
To: Microsoft ATR
Date: 1/28/02 4:58am
Subject: The Microsoft Decision

The Freedom to Stifle Innovation

Will the Justice department has abdicate from its responsibility to protect business and consumers from Microsoft?

Long time readers of my Web site, www.GraphicPower.com, already know that I consider Microsoft to be the embodiment of evil business practices. Many innovative software companies have met their demise because Microsoft decided to put them out of business. I celebrated Judge Jackson's original verdict that ordered the breakup of the software monopoly. Jackson's only fault was getting so incensed by the arrogance, obfuscation, and obstructionism of the Microsoft defense, that he developed an obvious, if just, bias. What we have here is one of the most open, and shut cases of the century.

Microsoft has stifled innovation, stolen concepts, and buried small developers for at least 15 years. Is it any wonder that Judge Jackson developed an attitude?

What Comes Next?

The bad news is that Microsoft will probably have another two years to intensify its stranglehold on the software industry. We are beginning to see some of Microsoft's new ''innovations'' in Microsoft Office XP. Installation of virtually any non-Microsoft application or utility can disable vital applications unexpectedly when you are away from your office and do not have access to your original software disks. Microsoft Office XP can prompt for the original CD to re-authorize your software while you are on a plane putting the finishing touches on a mission critical presentation. What this implies is that Microsoft is laying the OS groundwork for application expiration. No longer will our license to use the software that we buy be perpetual. Microsoft will be forcing users of their software to pay a licensing fee annually.

Microsoft is also positioning itself to be the sole developer of entire genre of applications. Look at what they did to Netscape. Netscape was a vital, profitable company? a leader in the development of Web browser software. They were on the verge of deploying Netscape communicator as a fully featured commercial application for, perhaps, $35.00. Microsoft came along with Internet Explorer. They did not emasculate Netscape by simply producing a better product and giving it away for free. Microsoft made it difficult to even use Netscape.

Many versions of Internet Explorer refused to download Netscape, and Internet Explorer has its hooks so deeply into the Windows operating system that uninstalling it is a bizarre ordeal. Then, Bill Gates rammed an anti-competitive deal down Steve Jobs gullet. Microsoft would agree to continue support and development of Office for Mac only if Internet Explorer was the default browser for the Mac OS. MS also cast a $150 million vote of confidence in Apple by the purchase of non-voting stock. It was extortion and bribery to insure that Netscape would never evolve into a commercial software product. The Microsoft Juggernaut is poised to trample business and home users as well as software developers.

It is no surprise that Attorney General Ashcroft, the Justice Department, and the Bush administration would take a pro-business stance in the Microsoft case. Just what is the truly pro-business path? The only answer can be to break up Microsoft. The best scenario would be the breakup of Microsoft into three separate companies.

Operating Systems

Application Software

Internet Services

The current Microsoft strategy is to entwine their applications and Internet access into the operating system so tenaciously, that it will be difficult, even impossible for the average user, to install and successfully use non-Microsoft software. This would make the path of least resistance for most businesses to standardize on an all Microsoft suite of applications. Microsoft Access, SQL Server, and Exchange are all train wrecks. Business will have to conduct itself in frequent ''crisis'' mode while the IS department struggles with unstable business information systems. Cost of support will continue to skyrocket as these systems get more and more complex and require more thousands of dollars in training for IS managers to maintain their qualifications and competence. The Justice Department's decision to forge ahead with a weak response to Microsoft's illegal business practices will cost business a huge fortune. We may never know what went on behind closed doors between the Bush administration and Microsoft. This sudden reversal in policy makes the hair stand up on the back of my neck. I never thought anything like this could happen in the US, but then again, I never thought the Presidency could be stolen either.

Microsoft routinely withholds vital system call API's (application program interface) from developers. This gives MS the edge over everyone else in developing fully featured software for Windows. Part of the remedy MUST be that the MS operating systems division must share vital technical information about their operating system with all developers in exactly the same manner as with the Microsoft application division. For Example, I would like to see Star Office for Linux, Windows, and Mac OS be reasonably priced and compete directly with Microsoft Office for Linux, Windows, and Mac OS. We will never see Microsoft applications developed for Linux systems so long as Windows and application development are the same company.

Technological Genocide

Microsoft has actually been intensifying its anti-competitive strategy since the original verdict. Now that the verdict has been upheld, it is unlikely to be reversed no matter how many appeals Microsoft may file. The new evidence of Microsoft's accelerated stranglehold strategy should have been considered prior to any new remedy being imposed. The Justice Department should have been swift and sure, and not let Microsoft continue to suppress innovation

and competition. Microsoft is demonstrating no remorse, no reform, taking no prisoners. What we are witnessing is technological genocide on a global scale. Avoidance of Microsoft software is not just a personal issue with me...it is a matter of socioeconomic ethics. The only way for us to stop this destructive force of evil is to refuse to use, sell, or support Microsoft products. Take a stand for freedom. Take a stand for innovation. Take a stand for the American Way. Be Microsoft free.

Scott McCarty / Systems Integration
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MTC–00027587

From: Reed Laughlin
To: Microsoft ATR
Date: 1/28/02 5:31am
Subject: Microsoft Settlement

To Whom It May Concern:

I do not believe the proposed Microsoft Settlement to be in the public interrest, as it would not prevent Microsoft from further abusing its monoply power. Specifically, it does force Microsoft to disclose al file formats used with their Office Suite to allow interoperability with competing products. It also fails to complete. Unser teh Tunney act, further proceedings should be held in public to allow the public an equal opportunity to participate, and past communications between teh DOJ ad Microsoft should be disclosed.

Thank You,
Reed Laughlin
2812 30th Ave West
Seattle, WA 98199
(206) 286–1994

MTC–00027588

From: Malcolm Boura
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:32am
Subject: Microsoft Settlement

I have been following the DoJ's interractions with Microsoft with some perplexity. I thought the USA was run by an elected government but it would appear that if a company is big enough then it is allowed to use illegal practices to maintain an illegal monopoly. To be blunt, the DoJ is bringing the USA into disrepute. Or perhaps the explanation is that world monopoly, and the abuse of that monopoly, is acceptable when it is a US company?

Malcolm Boura
Senior Software Engineer
Pace Micro Technology PLC

MTC–00027589

From: jritt@math.bu.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 5'38am
Subject: Microsoft Settlement
Jason Ritt
Mathematics Department
111 Cummington Street
Boston University
Boston MA 02215

I am sending these comments on the proposed Microsoft antitrust settlement, in accord with the Tunney Act.

As a researcher in the field of theoretical neuroscience, I am deeply concerned about deficiencies in the Proposed Final Judgment (PFJ) that could allow Microsoft's abusive behavior to continue in a manner harmful to our nation's scientific community. Below I (1) briefly describe my work, as an example of a typical use of computing in science, (2) discuss open source and free software development, non-commercial activity which is essential to the health of academic research, (3) comment on the threat posed by Microsoft to such software, and the inadequacy of the provisions in Sections III and IV of the PFJ to protect against this threat. It should be noted that although academia is a small ''niche'' market compared to the general public, it is behind much of the nation's technological, and hence economic, development.

(1) My research relies heavily on scientific computing, by which I mean the use of intensive calculation in the solution of scientific problems. Specifically, I create and operate software that simulates the biological activity of neurons (cells responsible for, among other things, brain function), using both standard programming languages (eg, C) and commercial products that provide a computing environment (eg, MATLAB by the Mathworks Corporation). These simulations serve as tests of theories of neural behavior and function. In addition to increasing our basic understanding of life processes, such work by me and others contributes to the development of technologies ranging from medical devices to improved electronics.

Scientific advancement requires effective interaction between researchers. While publication in academic journals is still important, direct communication via email and the sending of documents, data and computer code over the Internet now form an integral part of almost all collaborations. Computers thus have a dual value to the scientist: they are indispensable directly as computing tools, but also as communication tools.

(2) For me and most of my colleagues, the unquestionably best choice of operating system is Linux, a well known alternative to Microsoft Windows. Linux is superior in this context because it is computationally efficient; is typically packaged with a number of applications useful in scientific computing, communication and publication; has advanced scripting, automating and project management capabilities; can be extensively customized for a given task; and is available at little or no cost, which is especially important for publicly funded projects.

As described in Judge Jackson's Findings of Fact, Linux was produced primarily under the ''open source'' model of software development, in which many developers, often in disparate parts of the world and with no contractual arrangements between them, cooperate in correcting and extending the body of code which forms the software. Typically, most if not all of these developers volunteer their efforts. However, open source is not equivalent to free of charge; for example, the for-profit company Red Hat sells a popular distribution of Linux. Researchers typically use a mixture of free and commercial software.

Academic research in general, and scientific computation in particular, has thrived on the spirit of open sharing of software. In addition to the Linux operating system, such activity has created many valuable applications, for example sendmail (which led to the widespread use of email as a means of communication) and LaTeX (a typesetting program which is a universal standard for document preparation among mathematicians and physicists). Moreover, the TCP/IP protocols (which form the backbone of the Internet) and the HTML standard (which created the World Wide Web) were produced in academic environments and released to the public domain. Another example of the importance of the open source nature of Linux to current research is provided by colleagues here at Boston University.

They are extending state of the art technology, known as the dynamic clamp, which allows the design of an unprecedented set of experiments involving the interaction of a computer with biological tissue. A crucial component of the technology is a variant of the Linux operating system, known as Real Time Linux, which they have adapted to their needs. It is the open source model which gave them the necessary access to the basic code of the operating system (and in the same spirit they have made their improvements available to the community).

(3) Microsoft has publicly acknowledged its hostility to the open source community. For example, Microsoft Senior Vice President Craig Mundie has repeatedly argued that the General Public License (GPL), which promotes open source software and which governs the release of GNU/Linux, is a threat to the software industry, and Microsoft Chief Executive Steve Ballmer referred to software released under the GPL as a ''cancer''. While these comments are specifically about the GPL, they are widely seen as part of a general anti-Linux strategy. In particular, Microsoft is committed to the development of its .Net platform, but lacks total control over the market due to the existence of the highly popular open source server software apache, which runs under Linux. See CNET for example articles summarizing the GPL comments (http://news.com.com/2100–1001–270684.html), and the consequence of Linux for Microsoft's long term goals (http://news.com.com/2t00–1001–268520.html?legacy=cnet).

Given that Linux is currently the source of Microsoft's strongest competition, it is shocking that the PFJ, which is supposed to prevent Microsoft's illegal abuse of its monopoly, specifically condones discrimination against Linux. In particular, Section III.J(2) exempts Microsoft from disclosing information or providing licensing (of protocols I discuss below) to not-for-profit organizations. Since the benefits of the open source community, which created Linux, derive precisely from a mix of for-profit and

volunteer efforts, this Section allows Microsoft to continue abuses against its primary competitors.

J(2)b says organizations seeking information or a license must have ''a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' J(2)c requires that the organization ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''.

Under this wording, organizations which develop a ''free'' open source operating system or application could be denied status as a ''business'', and hence have no remedy under the PFJ. It is especially onerous that it is left to Microsoft to establish the standards for what constitutes ''authenticity'' and ''viability''.

The protocols in question are for ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/ authorization security, or third party intellectual property protection mechanisms''. While seemingly restricted to certain sensitive systems, this list potentially impacts all software. Even something as simple as a request for a new window could require a form of authentication, for example if that request comes from a networked application. This clause also affects any program which needs access to Windows file systems, such as the popular open source cross-platform file system SAMBA, because access to a hard drive or other storage medium has potential impacts on piracy, viruses and intellectual property concerns. As its past behavior has shown, Microsoft is willing and able to exploit such loopholes.

Moreover Section IV, concerning Compliance and Enforcement Procedures, provides no specific mechanism through which Microsoft can be brought into compliance if it is determined that it is not. The Technical Committee established under IV(B) has authority only to investigate and report. IV(A) gives the plaintiffs exclusive responsibility for enforcing the judgment, but describes no procedures by which they should do so. In fact, IV(A)4 authorizes plaintiffs to seek necessary orders from the Court, essentially guaranteeing further litigation and eliminating any value of the PFJ.

For reasons outlined in (2) above, there are powerful incentives for certain researchers to use the Linux operating system. However, Microsoft's monopoly, and the consequent widespread use of its proprietary file formats, introduce significant costs due to interoperability limitations. Moreover, the monopoly has the indirect effect of discouraging some third party software vendors from porting their products to other operating systems. To the extent that its goal is specifically to reduce the availability and quality of Linux and other open source software, Microsoft threatens to significantly harm users of scientific computing. While it is doubtful that this result is intentional, it is an unavoidable consequence of the fact that important software development is being done at the interface of for-profit and not-for-profit organizations. Any settlement which does not include strong guarantees against abusive practices towards open source software will create a damaging ripple effect, which could hamper the future advancement of science and technology.

In summary, I ask you to reject the PFJ as written, and seek more effective remedies that preserve the value and viability of open source software, including for those outside the information technology industry.

Sincerely,

Jason Ritt

MTC–00027590

From: Ross Brazzi
To: Microsoft ATR
Date: 1/28/02 5:43am
Subject: Microsoft Settlement

Operating Systems from Microsoft are found in over 95% of computer desktops, and by definition, that level of market share constitutes a monopoly. Microsoft aggressively protects its monopoly, and consequently consumers pay the prices dictated by Microsoft for Operating System and Application Software such as Microsoft Windows and Microsoft Office. For the benefit of consumers, competition must be introduced into the desktop market, and the most efficient method is through market forces, not regulation or consent decree. Microsoft should be broken up into separate and independent companies: one that develops Operating Systems software, such as Windows, one that develops Applications Software, such as Office, and one that encapsulates its Online and Broadcast Services, such as MSN and MSNBC. Market forces would provide a natural incentive for these separate and independent companies to offer their products and services on many platforms, including those of former competitors of the original, monolithic Microsoft. For instance, a separate and independent company that develops Microsoft Applications Software would want to broaden its user base by porting its products, such as Microsoft Office, to other Operating Systems, such as Linux. As a result, other vendors of Operating System Software such as Linux, can compete on a playing field that is more level when attempting to offer an alternative Operating System for the desktop market. Today, most businesses will not even consider an alternative Operating System, unless it runs Microsoft Office, because they are locked into the proprietary document formats of Microsoft Office. Splitting up Microsoft may seem drastic, but in the long run, it is the most effective and efficient way to introduce competition in a market controlled by one company.

MTC–00027591

From: Qrlevis@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:51am
Subject: Microsoft Settlement
January 28, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am emailing you because I've just learned of the possibility of a settlement with Microsoft that will not solve many of the problems caused by the MS monopolies.

I have had personal experience with just one of the various problems. l have had numermous problems going back and forth between the tech. support of Microsoft and tech. support of other software firms. It's just like the old days back in the 60's when IBM had a virtual monolopy on the mainframe computer business (I sold Honeywell computers to the federal government back then).

Some of my problems with Microsoft-versus-others are still there and I just have to live with them. Unless MS opens up its operating systems so that other software developers can develop problem-free interfaces, these problems will continue.

Please DO NOT SETTLE FOR LESS!!

Call me any time to discuss.....

Thank you,

Wilson Levis
Senior Associate
National Center for Charitable Statistics
The Urban Institute
2100 M Street, NW
Washington, DC 20037
202/261–5401

MTC–00027592

From: Michael Backes
To: Microsoft ATR
Date: 1/28/02 6:17am
Subject: Comments

To Whom It May Concern,

I feel that the U.S. Government needs to act decisively to curb Microsoft's abuse of its monopoly power in the software marketplace. I have suffered because of Microsoft's actions in the marketplace in the following ways:

1.) Microsoft slavishly copies the innovations of other smaller companies, such as Apple Computer's Macintosh operating system, effectively co-opting these innovations, and therefore making it difficult for the smaller company's innovations to be rewarded through increased sales and developer support. This means that Microsoft has unfairly impeded Apple's ability to compete, which has resulted in fewer software applications being developed for Apple's MacOS. Each time that Apple releases a new version of their Macintosh operating system, Microsoft seems to copy the new features of the MacOS into its own Windows operating system. Microsoft seems to hold Apple hostage, since Microsoft's Office applications are so crucial to the survival of the MacOS, that if Microsoft decided to kill development of their MacOS products, it could very well spell the death of the Macintosh in the marketplace. That seems completely unfair and anti-competitive.

2.) Microsoft seeks to extend its monopoly into other areas, by leveraging its monopoly on the PC to give it an unfair advantage in other markets. Microsoft's development of an internet browser seems to have marginalized other browsers to the point where no other company will enter the market. Microsoft is currently attempting to dominate the videogame business through the release of its Xbox videogame console. Two of the videogames that I hoped to buy and that had

been announced for competing platforms, have been canceled because of Microsoft's actions. HALO, the most anticipated game for the Macintosh, was canceled because Microsoft bought the company that was developing HALO for the Macintosh and made the game exclusive to the Xbox for the forseeable future. Shenmue II, a game made by Sega, was cancelled for release on Sega's own Dreamcast, because Microsoft bought the rights to release it exclusively on the Xbox.

I think the only fair solution to curbing Microsoft's abuse is to force Microsoft to spinoff their Internet, videogame, and application business units from their operating system business. The world will be a much better place for if such a split were to be enforced by our government. It would help our economy, because it would encourage thousands of software developers to bring new, innovative products to market. Please be brave and make the decision to curb Microsoft's abuse of their monopoly power.

Michael Backes
co-founder
American Film Institute Digital Media Studies Program

MTC–00027593

From: Daniel A. Lorca-Martinez
To: Microsoft ATR
Date: 1/28/02 6:27am
Subject: Microsoft Antitrust Trial

Dear Sir or Madam:

Prior to relating my thoughts on the case at hand, I would like to disclose that I am very minor shareholder of Apple Computer, Inc., one of Microsoft's competitors.

On Previous Actions:

I would like to start out by recalling that Microsoft has been convicted of illegal business practices more than once. In 1995, I believe, they reached a settlement with the government, only to circumvent the sanctions imposed.

My fear is that this will happen again. Microsoft literally drove Netscape-a company that once was a corporate giant-out of business overnight. Once they gave away their browser, there was little incentive for individuals to purchase the competing product from Netscape. Regardless of what can be said about AOL purchasing Netscape being proof that the computer industry is fluid and can fight Microsoft, that deal never would have happened if Microsoft hadn't reduced Netscape's business to dust. It also would have been impossible for any other company to give away its software-and this goes to the heart of why Microsoft has been found guilty of abusing its monopoly.

Many people equate this trial to IBMs antitrust trial. I would like to point out that yes, there are some similarities on the surface-but they end there.

1) IBM was not purchasing most competing products. To this day, Microsoft has yet to truly create innovative products in-house aside from Excel and Word. Powerpoint, Access, FoxPro, and even Internet Explorer, the reason behind this trial, were purchased. (Taken from an Amicus Brief from the trial presided by Judge Jackson that specified which products were purchased.)

2) IBM lost its monopoly position in the computer market due to many factors, in part arrogance, lack of vision, and lack of drive. Microsoft, as a company, is very smart and nimble. They have learned from the mistakes or their predecessors, including this major oversight of IBM's. Microsoft is being very careful about being caught with its proverbial pants down-and in fact have gotten into almost every single major business development early on, from cable news to set-top boxes for TV (even with latecomers, such as its entertainment console, the X-Box).

The computer industry, on its own, would be flexible enough to compete with Microsoft on the basis of merit and price. The problem is that Microsoft is very quick to see such competitors early on, and either buys them out or drives them out of business with its guerrilla marketing tactics (the FUD factor: Fear, Uncertainty, and Doubt). This can be seen prominently, for example, when Microsoft-influenced people state that Apple could go out of business, or that Linux can't last long because it is a free operating system.

On the ''Freedom to Innovate'':

Someone on the internet suggested a great solution that in addition to any other penalty, Microsoft should be prohibited from using patents acquired from other companies for a period of three years. This would keep them *really* innovating, as opposed to innovating by acquisition.

Sometimes, innovation by Microsoft is truly a bad thing. As a company, it has the habit of ''embracing and extending'' open standards, such as HTML and Java. Java is a Sun trademark and, they sued Microsoft when it included Java with Microsoft's modifications without mentioning the difference. Sun won, and Microsoft had to issue a recall and pull the product from the shelves. The problem is that other standards like HTML don't have the high priced lawyers that Sun does. My solution to that would be to have Microsoft list products that are, for example, HTML compatible, if and only if the standard is followed to the letter. No extensions to HTML, no extensions to Java-just the pure, unadulterated standard.

On the matter of Remedy:

It is imperative to see that desperate times call for desperate measures. Microsoft has fought tooth and nail against the possibility of being broken up. As a company, it has argued that severe limits to its freedoms would be detrimental to them, the economy, and indeed the world. The problem is that yes, they are very important and determine the outcome of much that goes on in the computer industry. They have abused their power though. Most importantly, weak antitrust remedies will not help-Microsoft will find a way around them. Where some litigation has stopped companies from abusing monopoly power, Microsoft has demonstrated that nothing short of completely and forcibly changing their business tactics will help. Yes, this may mean that certain otherwise unreasonable penalties will be applied to Microsoft. Unfortunately, the court, on behalf of the American people, has no other recourse-minor fines and weak penalties will not curb Microsoft's corporate behavior. The solution proposed by Judge Jackson of dividing the company into two entities was an ideal solution. It would allow the company to do everything it was doing before, but without the strongarm tactics to make up for the software's shortcomings. If Microsoft's applications (Office, Explorer, Access, etc) was split from its Operating System division (XP, 2000, NT, etc), there would be a plethora of offerings that would become available. The Linux operating system has gained much ground-and while its users enjoy free software, if Microsoft offered its software for Linux at the same price point as its offerings in Windows, it would make a profit. One of the main reasons why this is still not being done is that making Linux a viable platform (by offering Office, for example) would undermine Windows's standing as the predominant operating system. As a separate company, the MS Applications Company would be free to offer what they like to whomever they like. Then Windows would be free to compete on its innovative qualities on equal ground.

Alternatively, it would be possible to have Microsoft license the software (and APIs) it did not want to make for alternative platforms, such that an independent developer would be able to make an official Office package that is guaranteed to be compatible with its Windows counterpart. Because it is licensed, Microsoft would be guaranteed a profit. No loss would occur, since they would not have to make any investment. If the product fails, they don't have to worry about it either.

On Anti-Competitive Practices:

It is a matter of record that Microsoft has used restrictive contracts and licenses to force partners to exclude competitors. If Gateway preinstalled the Netscape browser and placed the Navigator icon on the Windows 95 desktop the license price of Windows went up. This was used as an effective tool to weaken Netscape's position in the OEM market.

Recently, Microsoft's Software Licensing Agreements (I believe in Visual C++ 7) have started including a clause that prohibits the use of its software compilers to create freely distributable software and source code under the GNU Public License. This is a significant blow to the community that believes in free software. Most importantly, there is no reasonable explanation to include such a clause other than specifically to hurt the free software movement. It is widely known that Microsoft has inserted code into their various software products to slow or even downright disable competing software. Microsoft Office version 4 for the Macintosh took roughly 4–10 times longer to launch on the Macintosh than on a comparable PC. It has been shown that Netscape browsers perform slower on Windows than MS Internet Explorer; even controlling for relative speeds on the Macintosh (the only other platform available for browser comparison) there was nowhere near the discrepancy. Apple's Quicktime software, after installation of Windows Media Player (Microsoft's competing media software), was found to stop working.

On Conspiracy Theories:

Personally I generally regard conspiracy theories with contempt. day my brain was on autopilot, however, and I thought of a few interesting ''coincidences''.

One

Microsoft was well into the proceedings of the Antitrust trial in May of 1998 when it decided to invest $150 million in non-voting Apple stock and promise Microsoft Office for the Apple Macintosh five years.

The advantages:

* Keeps the only real competitor alive for as long as necessary (five years is plenty of time to get the main Antitrust trial over). Apple, without Microsoft's office suite of software, would slowly but surely go out of business.

* As a bonus, they look benevolent, keeping a struggling company alive. Apple, at the time, had over $2 BILLION in its cash reserves. They hardly needed an influx of 7.5%.

* Microsoft continues to receive quite a bit of revenue from Office for the Mac-certainly more than enough to warrant its development. They would most likely continue to develop Office for the Mac anyway. Of course, this does not preclude Microsoft from approaching Apple and saing ''If you do not set Explorer as the default browser on your Macintosh machines, we will stop making Office for your Mac OS.'' [Paraphrased from court documents.]

* Instant riches: $150 million doubled overnight, and today that investment is worth around $450 million.

* Microsoft and Apple settled on numerous instances of patent-infringement litigation for an undisclosed sum. Reports commonly say around $300-$500 million, but were worth more than $2 billion (source: Gil Amelio, ex-CEO of Apple).

* Best Of all, they had no long term commitment-they are free to stop making Office for the Macintosh in May 2003, roughly the expected date of the end of the antitrust trial.

On the note of conspiracy theories, a fringe theory:

Judge Jackson was widely regarded as an even handed official, with (if any) a tendency to favor capitalism and less government intervention. It struck me as very odd that he ruled against Microsoft, conducted himself in a manner very unbecoming of an officer of the court (belittling witnesses, speaking to the media about the case extensively before and after the ruling, etc.). He should have known about the appearance of impropriety it would create and how it would negatively affect his rulings on the case. If he were a lesser man, I would be inclined to think that he handed down the worst judgment he could think of, knowing that it would be tossed out and replaced with a lesser penalty. Microsoft, knowing about the actions of this lesser man (than the Hon. Jackson), would be comforted that their biggest fear (being split into two or more companies) would not come true because of this conduct. Thank you very much for your time and attention. I appreciate living in a society where my opinion matters and is heard.

All the best,
Daniel A. Lorca-Martinez
1240 Evelyn Ave.
Albany, CA 94706
(510) 558–8999

MTC–00027594

From: conner
To: Microsoft ATR
Date: 1/28/02 6:32am
Subject: Antitrust Suit Against Microsoft

Dear Sir/Madam:

I am not necessarily a fan of Microsoft. I do, however, believe that Microsoft, and its customers, should be allowed to do business as they see fit. I do not think that a third party (Netscape, Sun, et al.) should be allowed to interfere with any consensual transactions between Microsoft and its customers. I am a Microsoft customer and user. I also use Linux, Netscape, Sun and many other non-Microsoft products. I know computer professionals who make it a point of not using Microsoft products—it is possible and it is certainly their right to do so. I am an engineer and software developer, and if I did not wish to use Microsoft products, I could do so and still generate applications (which could be compatible with Microsoft products). Microsoft does not and cannot own the entire software industry. It has dominance in the software industry, but it is not a monopoly: there are many competitors. If customers did not like Microsoft as much as they did, there would be many more competitors. The only things that could prevent such competition are forces outside of Microsoft, its customers and its competitors.

If I were to try to compete against Microsoft (which I can do because of my very low overhead), would it be reasonable for me to claim that Microsoft should give me its source code or be forced to do business in another fashion so that I could compete? If so, I could claim the same against any business larger than my own, or any new engineer could claim the same against me. If the department of justice were to act on such claims, disastrous consequences would follow. Confidence in the ability of the government to protect business would be greatly diminished, and businesses would be less likely to pursue or continue new ventures. As an example, observe the behavior of the stock market after Judge Jackson's decision (which was later called into question). It is not only the direct consequences of such decisions, but their underlying principles that should be questioned. Adherence to such principles has consequences not only in business, but also in every aspect of our lives. The principle I am defending is an individual's right to life, and his concomitant right to pursue his livelihood in his own way without violating the rights of others. So long others? rights are not violated, I must respect Microsoft's right to do business as it wishes, if I am to respect any rights.

Charles D. Conner
Professor, Electrical Engineering
Capitol College
Laurel, Maryland

MTC–00027595

From: steve skinner
To: Microsoft ATR
Date: 1/28/02 5:36am
Subject: Microsoft Settlement

The people who would benefit from this action iarenot the people who would buy computer products and services but rather Microsoft's compeitors. These people like Sun and AOL are the businesses that prey on the public. AOL charged me over $900.00 for services that a hacker used and I ended up paying for because they made it impossilbe for me to contest. Microsoft provides what we need.

MTC–00027596

From: Jay Sulzberger
To: Microsoft ATR
Date: 1/28/02 6:38am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I write in order to persuade you that the main thesis of the economic theory of the Department of Justice and the States antitrust case is not true. This main thesis is that the ''applications barrier to entry'' is the most important mechanism whereby Microsoft maintains its high proportion of OSes installed on Intel-compatible peecees.

Though I think the main thesis false, and therefore the theory defective, I do believe that Microsoft and the large OEMs have engaged in a combination in restrain of trade, and that this combination is illegal under the Sherman Act. I also believe that damages are due every single user of a Microsoft OS who was not offered at point of sale of the hardware a choice of operating systems for the hardware. The injury is plain: viruses, worms, and trojans infest all Microsoft ''Windows'' operating systems, and such systems are, even without infestation, unstable, difficult to manage, and lacking in features provided by other operating systems for Intel-compatible peecees. No other vendor's operating systems are so incompetent. Please allow me to make a personal offer to the Court: If you wish, I will demonstrate, upon 48 hours notice, a fine GNU/Linux system which can be seen by the court to be more attractive to the eye, easier to understand, and richer in services, programs, and amusements than any Microsoft OS. This system will be provided with all ''office productivity applications'' needed. The system will have neither viruses nor worms nor trojans, nor will it crash.

Let us state what the ''applications barrier to entry'' is. Here is paragraph 3 of the original complaint in Civil Action No. 98–1232 3. There are high barriers to entry in the market for PC operating systems. One of the most important barriers to entry is the barrier created by the number of software applications that must run on an operating system in order to make the operating system attractive to end users. Because end users want a large number of applications available, because most applications today are written to run on Windows, and because it would be prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows, a potential new operating system entrant faces a high barrier to successful entry.

This is nonsense. Most first time buyers of a home or small office computer know of exactly two kinds of computers: a ''peecee'', also called a ''Microsoft peecee'', and the Macs made by Apple. Most first time buyers do not know that there are operating systems other than Microsoft operating systems that run on Intel-compatible peecees. Indeed most

users of computers do not know even what an operating system is. So most buyers of Intel-compatible peecees certainly do not consider various possible OSes they might buy, since they are unaware that a choice is possible. And indeed, in CompUSA today not one single computer is offered for sale with anything except a Microsoft OS on it, unless the computer be a Mac. Now it is elsewhere claimed, notably in Judge Jackson's Findings of Fact, that the reason Apple has a small share of the market is that there are fewer applications available for the Mac. This is also nonsense. Most Macs cost about twice what a comparable Intel-compatible peecee costs. Clearly this is what accounts for the small share of Macs purchased. Buyers know that the peecees with Microsoft OSes and the Macs are roughly comparable in their powers, and buyers choose the much less expensive peecees with Microsoft OSes pre-loaded.

So what then accounts for the large proportion of Microsoft OSes running on Intel-compatible peecees? The answer is simple, and neither the Justice Department nor the States dispute the fact: Most people will never install an operating system from scratch themselves. So if the computer comes with but one OS, that is the OS that will be run on the machine until the machine is either scrapped or sold to someone who knows how to put another OS on the machine. Now Microsoft in close concert with the large OEMs has arranged that only Microsoft OSes are on the machines sold by the OEMs. This explains why Microsoft OSes run on such a large proportion of Intel-compatible peecees. There is no need to postulate any decision by buyers as to what OS will be run on the hardware. Buyers, except for a small minority, buy a unitary system composed of OS and hardware. There is a minority, perhaps ten or twenty percent, depending on what part of the world we look at, of buyers who know that other OSes can be installed on Intel-compatible peecees. It is remarkable that almost every single person who has ever succeeded in installing a non-Microsoft OS on their Intel-compatible peecee continues to use the non-Microsoft OS. Indeed, most go on to either remove all Microsoft OSes from their own machines, or, in some cases, use the Microsoft OSes to play a few favorite games, which do not run on the other operating systems. Yes, there are a few programs which some people find have no better competitor on a non-Microsoft OS. Of course, there are literally thousands of programs which run exclusively, or nearly so, on the free Unices, such as GNU/Linux, FreeBSD, NetBSD, and OpenBSD, and are equally beloved by their users, who feel there are no competing programs which run on any Microsoft OS. I repeat, because the statistics are so extreme: almost everyone who ever uses a non-Microsoft OS on Intel-compatible peecees finds the non-Microsoft OS superior to the Microsoft OSes. Almost the only people who use Microsoft OSes exclusively are those who have never tried a non-Microsoft OS. In other words, in the market of end-users of Intel-compatible peecees, Microsoft OSes are a catastrophic flop. Microsoft is not a success in the market, rather Microsoft, in concert with the large OEMs, is a success at keeping the existence of a market in OSes a secret, and by this means swindling millions of unknowing end-users into running Microsoft OSes. How this effective combination in restraint of trade came to be I do not discuss here, except to say that even if, in certain market segments years ago, Microsoft once was a success, that is no reason Microsoft should be allowed to shield itself from the market by illegal combinations today.

At this point a defender of the proposition that Microsoft OSes are really quite good for most end-users might claim that the twenty percent of the population which today finds the free Unices superior is simply that twenty percent of the population with a special hobbyist and/or professional interest in certain aspects of computers and their uses. The claim will be that the eighty percent who run Microsoft OSes are those without this special interest and that thus, today, really, the free Unices can present no serious competition to Microsoft in the market. This claim, that only a small limited number of end-users will find the free Unices superior is definitely wrong and I have myself demonstrated it by helping set up office lans with most of the machines running some free Unix. People who have never used anything except Microsoft or Apple OSes, when they sit down to work, find that the free Unix they are running is better than the source-secret OSes they have used before. Now, indeed, not everybody immediately prefers a free Unix to their old familiar Windows, even if there are no viruses, no crashes, etc.. But most do come, after a few weeks of use, to like their free Unix better than their old Windows. Some do not, of course, but, as mentioned above, the number who decide Windows is better is very small.

We note that again and again the Justice Department and the States state that it is difficult for a user to install a browser that does not come pre-loaded on their machine at time of purchase. The DOJ and the States must surely admit that it is much more difficult to install a whole new OS. So by their own argument the DOJ and the States argue the effectiveness of the real barrier to entry, namely that the OEMs only sell Intel-compatible peecees with Microsoft OSes pre-loaded.

To sum up the argument so far: We have demonstrated that the ''applications barrier to entry'' is not the real barrier to entry. The real barrier to entry is that most buyers of Intel-compatible peecees are never given a choice of OSes. They run what comes on the machine because they can do nothing else.

We now argue that the main remedies put forth in both the DOJ and Agreeable States and also the Hold-0ut States proposals are structurally inadequate to restore competition, we shall not argue in detail, though we agree with Dan Kegel and others that, even in their own terms, both proposals fall short. But our argument will be against the main thrust of both proposals.

Let us consider the players in the game:

1. Microsoft
2. The OEMs
3. Browser and Middleware Vendors, non-Microsoft vendors
4. Applications Vendors
5. EndUsers

The strategy, with rationale, of both proposed remedies is the same:

1. No attempt is to be made to directly foster competition at the level of the OS, because there Microsoft is for now invulnerable.

2. But, by a hinge movement of markets, Browser and Middleware Vendors, if Microsoft plays fair with them, can help nurture competition. It is left vague as to when any of this competition is expected to take place at the level of OS.

3. One mechanism by which Browser and Middleware Vendors and also Applications Vendors can be helped to be competitive with Microsoft in the markets for Browser and Middleware and Applications is by constraining Microsoft to fairly reveal APIs.

4. Another mechanism by which Browser and Middleware Vendors and also Applications Vendors can be helped to be competitive with Microsoft in by constraining Microsoft from threatening OEMS who pre-load non-Microsoft Browsers, Middlewares, and Applications on their machines.

5. EndUsers will now have a choice of Browsers, Middlewares, and Applications on the machines they might buy. EndUsers will not have any choice, at least for some years, of whose OS is on the machines they might buy. By 1 above, it will be a Microsoft OS.

The center of the strategy of the proposed remedies is 3. But 3 cannot possibly work. Fair publication of the APIs of Microsoft OSes/Middleware cannot make non-Microsoft Browser, Middlewares, and Applications Vendors competitive with Microsoft acting as a Browser, Middlewares and Applications Vendor.

The owner of the OS decides what runs, and what runs well, and what runs badly, etc.. The owner decides all such questions. And for any source secret OS, there is only one owner: the vendor. No matter what icons appear on the startup screen, what fine Java or better than Java stuff is on the box, if the owner wants something else on, it goes on. If the owner wants your stuff to go away in a year it goes away. In the United States there is no economic, no political, no legal force capable of stopping the owner of the OS from doing with the OS whatever the owner wants.

The owner of the OS has such power because of the relation of applications to the OS they run on top of. Here it is important to recognize that a piece of middleware is simply another application in its relation to the OS. Let us consider two competing applications, one written by a non-Microsoft company, the other by Microsoft. Assume both these application run atop a Microsoft OS. Assume further that Microsoft is making a full scale honest flat out effort to abide by a strict order to provide complete, fair, and timely access to the whole API of the Microsoft OS. This situation would, if anything, strengthen Microsoft's advantage in building a better application. At the end of one year of writing code Microsoft's application will run better than its competitors. I repeat, we assume that Microsoft does not cheat at all. Why will the Microsoft product run better? Because only

Microsoft can debug both sides of the OS:Application interface, that is, both sides of the real API, which API is not fully known, even to Microsoft, before the projects is under way.

The non-Microsoft vendor can only debug the Applications side, based on a necessarily incomplete and sometimes simply wrong published API. No API is ever well enough defined and well enough understood that no exploration form the OS side reveals nothing new of advantage. You must always debug on both sides, passing in your design, coding, and testing fluidly from one side of the API to the other. Only Microsoft can do this, in our example, and this has nothing to do with the childish but nonetheless effective cheats that Microsoft has committed in the past, such as the famous DRDOS false boot up message, and which Microsoft continues to commit today. One of the mechanisms of the extraordinary success of free software in the past fifteen years is precisely that the code of the OS is not secret, and so may be read and modified and redistributed by anybody who wishes and has the capacity. Thus there is no ''owner'' of the OS with unique powers of design, coding, and debugging. Hence both competition and cooperation are possible.

Microsoft is not some strange subtle powerful company. By virtue of its unique access to the source code, and its power of copyright over the source code, it is simply the owner of the OS.

To sum up the second part of the argument: Without competition at the level of the OS, the OS owner still dictates which applications work well, and which applications do not work well. The only way to get competition above the level of the OS, is to get competition at the level of the OS. And the only way to get competition at the level of the OS is to give the end user a fair choice of OSes, a choice completely separate from the choice of hardware, at point of sale of the complete system, that is, hardware and software.

So we come to one clause of a remedy that we believe will restore competition in the market for OSes for Intel-compatible peecees:

1. Require Microsoft to sell every instance of any single line of its OSes at a single uniform price to everyone, whether Dell or me or the public school down the street or the white box builder up the block.

2. Require all vendors of Intel-compatible peecees to sell the hardware completely separately from the OS.

Microsoft and its creatures will claim that 2 would impose on those buyers who ask for a Microsoft OS an unfair burden, because such buyers would have hard time installing their Microsoft OS instance. I would agree, if that were what I propose. No, let Dell do the install, just as now, but the price of the OS must be broken out in the bill, and that price must be the same for a pre-loaded OS as for a copy in cardboard box. Naturally a complete finely drawn clause here would have to ensure that Red Hat, Be, The FreeBSD Crew, Debian, etc. were treated exactly as Microsoft would be by the OEMs.

I thank the Court for its work and for reading this!

I remain, as ever, your fellow user of free software, Jay Sulzberger.

For purposes of identification only:
Jay Sulzberger <secretary@lxny.org>
Corresponding Secretary LXNY
LXNY is New York's Free Computing Organization.
http://www.lxny.org
Co-Winner of the First Linus Torvalds Community Award 1999

PS. If you use the web or email you use free software. The Internet is built of and on free software.

MTC–00027597

From: Christopher Bradley
To: Microsoft ATR
Date: 1/28/02 6:48am
Subject: Microsoft Settlement
Dear Sirs;

I am not satisfied with the current ruling ''against'' microsoft. I believe they have a virtual monopoly on operating system software which they have strengthened both by intimidating business tactics and by bundling their software together, thus forcing users to use their software to do any meaningful work. I als0 strongly object to their entrenched reluctance to open up their code for public inspection. I agreed with the original Penfield rulings and think that the company's monopoly should be broken up.

It's very difficult to fix a car if you don't know how the pieces fit together, and the company refuses to sell you a shop manual. I have spent many hours trying to keep my home computer going. This is particularly difficult in the Windows environment due to the inaccessibility of the basic operating system.

Lastly, please DON'T let microsoft donate thousands of computers to our schools. That is a move to further consolidate their hold of the educational marketplace, and perhaps their hold of the next generation with their fault ridden products. It would not be an act of philanthropic charity.

Thanks for your time,
Christopher C. Bradley, M.D.-Ph.D.
Department of Neurology, Yale University School of Medicine
15 York Street, LCI 701
P.O. Box 208018
New Haven, CT 06520–8018 (203)785–4085

MTC–00027598

From: Dave Solomon
To: Microsoft ATR
Date: 1/28/02 6:49am
Subject: Microsoft Settlement

The current proposed settlement of the Microsoft antitrust case is not in the public interest, I strongly believe. It opens a gaping loophole in the antitrust laws, through which Microsoft could, and almost certainly would, continue to abuse its monopoly market power in the huge market for Intel compatible personal computer operating systems.

This loophole, which I see as very dangerous, is at the end of the settlement text. It grants Microsoft sole discretion in deciding what is a part of the Windows (tm) product.

This loophole would allow Microsoft to determine, for example, that all of these things are part of the Windows operating system: o Internet Explorer (but —not— Internet Explorer for Macintosh!), thus resolving, by corporate decree, a product tying issue that is still unresolved from the Microsoft antitrust trial and appeals court ruling;

o email software (Microsoft may already have monopoly status in this market as well, by vice of their predatory pricing and bundling of their Outlook products);

o anti-virus software, threatening several currently thriving products from Norton, McAfee, etc.;

o graphics software along the lines of PhotoShop;

o income tax preparation software, thus assimillating the flourishing market for income tax preparation software into Microsoft's Windows market.

o any other new and popular software genre that develops in the future.

This case is highly visible and controversial, and was initiated under a major political party (the Democrats) that is now out of power in the executive branch of our government. This settlement proposal has all the earmarks of political convenience and expediency that it should not have, and none of the earmarks of thoughtfulness, thoroughness, and fairness that it should have.

Please give the current proposed settlement the rejection that it so richly deserves.

Dave Solomon
13917 Crest Hill Lane
Silver Spring, MD 20905–4464
<davy@witty.com>

MTC–00027599

From: Terry Quigley
To: Microsoft ATR
Date: 1/28/02 6:52am
Subject: Microsoft Settlement

To whom it may concern,

I've watched with interest the unfolding of the Anti-trust case against Microsoft, and found the original recommendation fo a Microsoft split up travesty of justice. That Anti-trust should be such a potent force in the USA is in itself bizarre. Here's a country that has shown the rest of the world that Capitalism actually works. Capitalism works because it has its own inbuilt system of checks and balances i.e. the free market, and, properly implemented, isn't weighed down by tons of regulation. This is especially the case in the IT industry where Microsoft has been and continues to be such a positive force. From my knowledge, no IT company has ever effectively monopolised an industry segment. If an IT company found itself in a monopoly position and chose to compromise prices and/or quality, its monopoly position would be temporary at best—technology is changing far too quickly for someone to take an uncompetitive position.

I'd like to finish by stating that Microsoft should be lauded for its contribution to the IT industry and to America as a whole, and not be dragged through a costly (to American taxpayers and Microsoft), unnecessary court case; it should not be punished for its success. Microsoft is a very positive example of what can be done when Government is the instrument not the controller of the people.

Come on guys, let America pump its chest with pride not resort to punitive insecurity.

Yours sincerely,
Terry Quigley, M Info Sys
38 Eddys Grove
Bentleigh, 3204
Victoria, Australia.

MTC–00027600

From: Mark Boszko
To: Microsoft ATR
Date: 1/28/02 7:01am
Subject: Microsoft Settlement

I wish to express my displeasure with the DOJ's proposed settlement with Microsoft, for the following reasons:

1. The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2. The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Thank you for considering my points.

Mark Boszko
374 N SUMMIT AVE STE 101
GAITHERSBURG MD 20877–3116 301–977–0401

MTC–00027601

From: DanielH13@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:01am
Subject: Rule against microsoft!

I'm writing to urge you to take more harsh action against Microsoft. The current recommendation of having microsoft supply thousands of computers to schools is actually rewarding Microsoft, rather than punishing them. One market which has been successfully addressed but a competitor to Microsoft is the education market. Now the recommendation to ''punish'' microsoft it to use the law to force them into one of the few markets where a competitor has managed to carve out a niche. Microsoft must be laughing all the way to the bank on that one. PLEASE, do not allow this company to become even more entrenched and allow it to further dictate the future of software development and even more importantly, the way people work and learn.

Dan Hogan
6703 Ilex Ct.
New Market, MD 21774–2907
301–865–3712

MTC–00027602

From: Karl O. Pinc
To: Microsoft ATR
Date: 1/28/02 7:11am
Subject: Microsoft Settlement

Dear Sirs and Madams,

I attach 3 versions of my comments, a PDF file for printing, a HTML copy for following references, and a ASCII text copy for interoperability.

Regards,
Karl O. Pinc <kop@meme.com>
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov (U.S. Department Of Justice)
From: kop@meme.com (Karl O. Pinc) 5512 S. Woodlawn Chicago, IL 60637

Introduction

I write so that there is a public record which points out that the Stipulation and Revised Proposed Final Judgment 1 does not provide the relief claimed in the Competitive Impact Statement [2], and to point out that at least some of the failure of relief should be clear to anyone, with or without computer industry background. Further, I describe how the Proposed Final Judgment explicitly authorizes Microsoft's continued use it's monopoly powers to advantage over it's competitors. I therefore conclude that the public and the marketplace would be better served if the Proposed Final Judg- ment was scrapped and the government imposed no penalty on Microsoft. Finally, I point out the means, as generally acknowledged in the industry, by which Microsoft intends to preserve and extend it's monopoly and an obvious way in which Microsoft can be prevented from doing so.

I do not have time or energy to analyze the entire Proposed Final Settlement. I focus on only a few elements and how they meet the relief claimed:

''The Proposed Final Judgment will provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' [3]

Contractual freedom unrestrained by monopolist pressure

Starting with the first relief claimed:

''Ensuring that computer manufacturers have contractual and economic freedom to make decisions about distributing and supporting non-Microsoft middleware products without fear of coercion or retaliation by Microsoft, by broadly prohibiting retaliation against a computer manufacturer that supports or distributes alternative middleware or operating systems.'' [4]

Let us examine this claim. Presumably, the following elements provide the above relief:

''Microsoft shall not enter into any agreement with:'' (item 1.) ''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...'' [5] In plain english, Microsoft may not prohibit an OEM& [6] from putting a non-Microsoft program on the computers they sell. However, note the exception that immediately follows: ''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'' [7]

At first glance, it seems that Microsoft can require OEMs to distribute Microsoft software, but only in equal or smaller quantity than the OEMs distribute non-Microsoft software. Indeed, this would be the case if product at issue was not software. However, Microsoft need only require OEMs to distribute Microsoft software in a quantity which matches not the actual quantity of non-Microsoft software shipped, but the quantity of non-Microsoft software which is ''commercially practicable'' the OEM to ship. To investigate the ''commercial practicality'' of distributing non-Microsoft software, examine a short list of products which are the primary competition for various Microsoft products:

. The Netscape [8] web browser in place of Microsoft Internet Explorer (IE)

. The AOL [9] software used to connect to the AOL Internet service in place of Microsoft Internet Explorer which connects to the MSN Internet service

. The Apache [10]* web server in place of Microsoft Internet Information Server (IIS)

. Linux [11] in place of Microsoft's operating systems (XP, Win 2000, Win ME, Win 98, Win95, etc.)

. StarOffice [12] in place of Microsoft Office (Word, Excel, Power Point, etc.) [13]

The above non-Microsoft programs all have one thing in common. They are free of charge. The only cost associated with the distribution of these programs is the amount of space the programs occupy on the computer's hard drive, a negligible cost in today's era of cheap hard drives. Or, looked at another way, the computer's owner can completely recoup the disk space taken by any of these programs for the cost of dragging the program into the trash. For all intents and purposes these programs, arguably Microsoft's strongest competitors, are free. This means it is ''commercially practicable'' for an OEM to distribute any or all of these programs with every computer sold.

Therefore under the terms of the Proposed Final Judgment, Microsoft may require ''any IAP, ICP, ISV, IHV or OEM'' to include a Microsoft program 100% of the time. The Proposed Final Judgment allows Microsoft to collect a 'tax'' on every sale. Should Microsoft for some reason find it to its advantage not to charge for its software, the simple fact that a product is always sold with Microsoft programs pre-installed is an advantage not granted to the competition. Imagine how much it would cost to have someone install, for example, a copy of the Microsoft XP operating system on a computer you already own.

As written, this clause of the Proposed Final Judgment authorizes Microsoft to

continue to reap advantage from its monopoly. Removing this loophole seems straight-forward. The clause could read: ''except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a quantity equal or less than the distribution, promotion, use or support for software that competes with Microsoft Platform Software

On casual reading of the judgment the appearance is that this clause does nothing more than allow Microsoft to negotiate a share of business comparable to the it's competitor's share. Yet the simplicity of the revision which would meet this ''fair share'' requirement leads me to conclude that the more complex ''commercially practicable'' phrasing of the Proposed Final Judgment is deliberately included to allow Microsoft to use its monopoly to force contractual arrangements which ensure the ubiquitous presence of Microsoft software on all computers.

Indeed as: ''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.'' [27] the final judgment clearly allows Microsoft to make contracts requiring the distribution of its software on all of a vendor's products if the vendor wants to distribute any of Microsoft's products.

Competitive market conditions

The Competitive Impact Statement state that the purpose of the judgment is to ''restore competitive conditions to the market''.[28] To see that the judgment does not accomplish this goal you must first acknowledge that Microsoft's most significant competition is not based in any one company. Microsoft's most significant competition is from Open Source [29] [30] software. If this is apparent to you, feel free to skip forward.

The Open Source competitor

To make clear the magnitude of the threat posed by Open Source to Microsoft, I analyze here the entire range of Open Source programs. The non-Microsoft programs mentioned in this segment are all Open Source unless otherwise indicated. Although the Competitive Impact Statement emphasizes middleware, and the middleware competitive market, in the words of the Competitive Impact Statement, it is Microsoft's ''operating system monopoly'' that Microsoft engaged in illegal acts to protect. Therefore an analysis of more than just middleware competition is in order. Microsoft has illegally bolstered its operating system business and the remedy should address the competitive market for operating systems as well. Irrespective of what the remedy addresses, the presence of Open Source operating systems in my examples serve to illustrate the power of Open Source software as a class of programs and in no way diminish the threat Open Source middleware poses to Microsoft. First, note that the Open Source operating systems are the only [34] operating systems which run on the same hardware as the Microsoft operating systems, the PC hardware. Almost by definition they are Microsoft's only competition. Although Microsoft seems entrenched in the dominant position as the software supplier for ''commodity'' computer hardware, it is clear that in many emerging markets Open Source software is the market leader, not Microsoft. The Apache web server is the market leader with twice the market share of Microsoft.[35] Open Source leads Microsoft in the embedded systems 38 market.[39] Linux is replacing existing Unix systems in the fast paced environment of the special effects studios.[43] Open Source software is capturing markets Microsoft hopes to move into, and even appears to be eroding some of Microsoft's existing markets. The market share of Open Source software is often hard to measure, as there is centralized distribution point, but by all accounts the share of Open Source operating systems on server 46 systems is growing. A (Microsoft funded) Gartner [47] study [48] (3rd Qtr, 2000) found 8.6% of the servers sold were shipped with Linux. A IDG [49] study [50] (Aug, 2000) found Linux had achieved a 17.2% penetration in the server market. InfoWorld [51] (Aug, 2000) reports [52] the Gartner study predicts ''that by 2005, Linux, Unix, and Windows 2000 will account for 77 percent of the server market. More important, the report expects that the 77 percent will be split equally among the three.'' Point of sale systems are moving to Linux. ZDNet [53] reports [54] (Jan, 2002) ''Boscov's, with 36 locations in six states in the mid-Atlantic region is replacing 500 Windows NT servers with Linux on an IBM zSeries 900 mainframe''. Even the traditionally conservative financial services market is adopting Linux. Information Week [55] reports [56] (Oct, 2000) Linux is gaining a foothold on Wall Street and in the broader financial-services community''. An IBM [57] press release [58] (Aug, 2001) hollered ''WALL STREET MOVES TO LINUX AND IBM FOR FINANCIAL TRADING'' when portions of the New York and American Stock Exchanges began to run on Linux. Mainstream publications are beginning to publish Linux related information for the general public, like The Chicago Tribune [59]'s Linux and Things [60] series. It s no wonder that the arrival of a Microsoft Office compatible Open Source program, like the aforementioned Star Office Suite or the AbiWord [61] word processor or the Gnumeric [62] spreadsheet are considered developments which could finally break Microsoft's hold on the computer desktop. An October, 2001 analysis [63] [64] of the Open Source movement for the British Government concludes ''we as yet see no sign that OSS will become a viable alternative to Microsoft Windows, for user's (general purpose) desktop machines in the corporate or home PC markets. However, OSS on the desktop may soon become a significant player in the developing world.'' It also concludes ''Within five years, 50% of the volume of the software infrastructure market could be taken by OSS.'' The progress made by Open Source programmers has not been lost on Microsoft. In October of 1998 internal Microsoft documents which discussed the threat to Microsoft poised by Open Source and possible responses was leaked to the public. These internal Microsoft documents became known as the Halloween documents [66], these documents were later confirmed [67] authentic by Microsoft. In October of 1999 Wired [68] reported [69] ''Aubrey Edwards, group product manager in the business enterprise division at Microsoft.'' said ''There's a lot of interest around Linux and we need to compete.'' In May, 2001 Microsoft spoke out against Open Source. ZDNet reported [70] ''Microsoft on Thursday stepped up its long-running battle against the open-source software movement, and in another story [71] said the speech came across as an attack, as if Microsoft feels the desperate need to discount what people see around them-that open-source software is doing real and solid computing work for an evergrowing number of computer users, big and small.'' It appears Microsoft is increasingly threatened by Open Source. The Register [72], a British news source which writes in an excitable style reported [73] in Dec, 2001 that it had obtained a confidential memo from Microsoft Windows Division Vice President Brian Valentine who was reported to have written to his sales team ''Linux is the long-term threat against our core business. Never forget that!''.[74]

Judgment sanctioned suppression of the Open Source competition

The Proposed Final Judgment is supposedly

''Creating the opportunity for software developers and other computer industry partici pants to develop new middleware products that compete directly with Microsoft by requiring Microsoft to disclose all of the interfaces and related technical information that Microsoft's middleware uses to interoperate with the Windows operating system.'' [75]

However, the judgment allows Microsoft to withhold ''all of the interfaces and related technical information'' from Microsoft's most significant competitor, the Open Source programmer. This is because Open Source software is not, historically, produced by a company. It is produced by a loose collection of individuals who use the Internet to collaborate, some of whom are sometimes paid for their efforts by the companies which employ them. The judgment reads: ''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'' [76]

But Open Source programmers are not ISVs, IHVs, IAPs, ICPs or OEMs and so Microsoft need not disclose anything to them. Open Source programs are, by definition, given away if they are distributed by their author. Not only is there no company to which Microsoft can release a license granting information, there is no money to pay for such a license. The Judgment continues:

''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 operating system product) with a Microsoft server operating system product.'' [77]

But, the cited Section III.I makes it clear that the disclosure again need only be made, under license, to ISVs, IHVs, IAPs, ICPs, or OEMs. The Open Source programmer is excluded.

To exclude any possibility that Microsoft might have to release specifications to an Open Source programmer the judgment requires that the information recipient must have ''a reasonable business need for the API, Documentation or Communications Protocol'' [78] and that Microsoft will judge ''the authenticity and viability of its business'' [79] before releasing information. Open Source programming is not a business, and is therefore explicitly excluded.

Clearly the Proposed Final Judgment benefits the large commercial software developer, and excludes the Open Source movement, Microsoft's most significant competitor, from the benefits. Microsoft can only gain from the inevitable lessening of Open Source's market share.

A continued extension of the Microsoft monopoly

Microsoft is widely acknowledged to be attempting to become the primary issuer of electronic identity documents. The idea is that each individual is to have a single user-name and password, held by Microsoft. This new ''passport'' is to replace the separate user-names and passwords presently issued by banks, merchants, bulletin boards, and anybody who requires authentication before access is granted to a web site or other electronic document. Microsoft's product is called ''Passport'', and it's an essential component of Microsoft's new .NET technology. Note that the centralization of the identification information, and the corresponding tendency toward a ''natural monopoly'', is intrinsic to the Passport idea. Microsoft is explicitly not required ''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'' ... ''authentication systems'' 80. As the Passport technology is all about communications protocols supporting authentication systems, the judgments again authorizes Microsoft to keep secret the information it uses to extend it's monopoly.

A reasonable way to prevent the extension of Microsoft's monopoly would be to require Microsoft split off it's Passport division.

Conclusion

That a judgment should be so flawed, so unable to provide relief, and so sympathetic to the monopoly it is supposed to be protecting the public from, and that such a judg- ment is the second try at a resolution, leads me to believe that, for whatever reason, the judicial system is unable to provide any relief and will only make things worse should it change the status quo. As it stands, the proposed judgment is clearly worse than no judgment, as it explicitly grants Microsoft the right to use it's monopoly power to suppress it's competition. Left to itself, Microsoft will eventually collapse under it's own weight, as IBM did. I urge the court to reject the Proposed Final Judg- ment.

BEGIN RATIONALE: Although it's not within the court's power to so order, and shouldn't be, it's too bad that the obvious remedy cannot be applied—a moratorium on federal government purchase of Microsoft products. ;-) END

RATIONALE:

Notes

1. http://www.usdoj.gov/atr/cases/f9400/9495.htm

2. http://www.usdoj.gov/atr/cases/f9500/9549.htm

3. Competitive Impact Statement, Section I

4. Competitive Impact Statement, Section I

5. Proposed Final Judgment, Section III, Sub-Section G

6. Original Equipment Manufacturer, i.e. the folks who sell computers.

7. Proposed Final Judgment, Section III, Sub-Section G, item 1

8. http://browsers.netscape.com

9. http://free.aol.com/

10. http://httpd.apache.org

11. http://www.linux.org

12. http://www sun.com/software/star/staroffice

13. You may never have heard of

14. http://www.sun.com/software/star/staroffice or it's twin

15. http://www.openoffice.org . They are sponsored by

16. http://www.sun.com . To quote a

17. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf ''The first real trials are starting now.'' Early adopters include

18. http://www.newsforge.com/article.pl'sid=01/08/10/1441239 and

19. http://www.vnunet.com/News/1124456 . You know some thing's up when you suddenly get

20. http://www.businessweek.com/magazine/content/O2—O4/b3767021.htm of the old StarOffice, which has been available since at least December 1999, in response to the interest generated by

21. http://consultingtimes.com/sofeatures.html

22. http://www.techtv.com/print/story/0%2C23102%2C3351510%2C00.html

23. http://www.linuxplanet.com/linuxplanet/reviews/3818/2/ the

24. http://www.linuxplanet.com/linuxplanet/reviews/3857/1/

25. http://www.linuxplanet.com/linuxplanet/reviews/3841/2/ StarOffice. (A sample quote:

26. http://www.smartcomputing.com/editorial /article.asp?article=articles%2Farchive%2Fc0101%2)

14. http://www.sun.com/software/star/staroffice

15. http://www.openoffice.org

16. http://www.sun.com

17. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf

18. http://www.newsforge.com/article.pl'sid= 01/08/10/1441239

19. http://www.vnunet.com/News/1124456

20. http://www.businessweek.com/magazine/ content/02—04/b3767021.htm

21. http://consultingtimes.com/sofeatures.html

22. http://www.techtv.com/print/story/0%2C23102%2C3351510%2C00.html

23. http://www.linuxplanet.com/linuxplanet/reviews/3818/2/

24. http://www.linuxplanet.com/linuxplanet/reviews/3857/1/

25. http://www.linuxplanet.com/linuxplanet/reviews/3841/2/

26. http://www.smartcomputing.com/editorial/article. asp?article=articles%2Farchive%2Fc0101%2F 59??

27. Section III, Sub-Section A, paragraph 3

28. Competitive Impact Statement, Section I

29. http://www.opensource.org

30. I use the term ''Open Source'' loosely in this document to encompass both the

31. http://www.opensource.org and the

32. http://www.gnu.org Speaking rigorously the Free Software movement's

33. http://www.gnu.org/copyleft/ are the largest threat to Microsoft, although much Open Source software giving Microsoft stiff competition is not licensed under a copyleft-style license.

31. http://www.opensource.org

32. http://www.gnu.org

33. http://www.gnu.org/copyleft/

34. As far as I know.

35. See the various methods of measurement and market breakdowns at the widely followed

36. http://www.netcraft.com/survey/ and

37. http://www.securityspace.com/s—survey/data/index.html web server surveys.

36. http://www.netcraft.com/survey/

37. http://www.securityspace.com/s—survey/data/index.html

38. Embedded systems are the software that runs computers built into items which are not themselves computers—the computers in everything from cell phones to dishwashers.

39. A

40. http://www.evansdata.com/emtarg.htm

41. http://evansdata.com/ESTOC.htm shows the number (27%) of embedded developers choosing Linux for their next project to be nearly double the number (14.1%) choosing the Microsoft product. According to a (April 2001)

42. http://www.linuxdevices.com/ articles/AT2492406168.html survey, ''the percent of developers considering using Embedded Linux for new projects has zoomed to the number two spot (38%)—second only to market leader Wind River's VxWorks.''

40. http://www.evansdata.com/emtarg.htm

41. http://evansdata.com/ESTOC.htm

42. http://www.linuxdevices.com/articles/AT2492406168.html

43. From the on-line news source

44. http://www.salon.com/tech/feature/2001/11/01/linux—hollywood/ : ''Linux goes to the movie .... Who says free software is passe? Hollywood's special-effects industry can't get enough of the operating system built by hack- ers, for hackers.'' The movies Shrek and

45. http://www.nwfusion.com/newsletters/linux/2001/01156783.html were brought to you by Linux.

44. http://www.salon.com/tech/feature/2001/11/01/linux—hollywood/

45. http://www.nwfusion.com/newsletters/linux/2001/01156783.html
46. as opposed to desktop
47. http://www.gartner.com
48. http://www.gartner.com/DisplayDocument?id=330693
49. http://www.idg.com
50. http://www.cnn.com/TECH/computing/9904/02/linuxgrow.ent.idg/
51. http://www.infoworld.com
52. http://www.infoworld.com/articles/op/xml/00/08/14/000814opbiggs.xml
53. http://www.zdnet.com
54. http://techupdate.zdnet.com/techupdate /stories/main/0,14179,2841690,00.html
55. http://www.informationweek.com
56. http://www.informationweek.com/808/linux.htm
57. http://www.ibm.com
58. http://www.ibm.com/servers/eserver/zseries/os/linux/zseries—stock.html

MTC–00027602—0009

59. http://chicagotribune.com
60. http://chicagotribune.com/technology/developers /chilinuxgallery.storygallery?coll=chi%2Dtech r
61. http://www.abiword.org/
62. http://www.gnumeric.org
63. http://www.govtalk.gov.uk/rfc/rfc—document.asp?docnum=429
64. The
65. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf is available as a PDF.
65. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf
66. http://www.opensource.org/halloween/index.html
67. http://www.linuxworld.com/linuxworld /lw-1998–11/lw-ll-halloween.html
68. http://www.wired.com
69. http://www.wired.com/news/linux/0,1411,31801,00.html
70. http://zdnet.com.com/2100–1106–814293.html?legacy=zdnn
71. http://www.zdnet.com/anchordesk/stories /story/O,lO738,2717631,OO.html
72. http://www.theregister.co.uk
73. http://www.theregister/co.uk/content/4/22770.html
74. To my knowledge, the authenticity of this memo has not been denied by Microsoft.
75. Competitive Impact Statement, Section II, bullet 6
76. Proposed Final Judgment, Section III, Sub-Section D
77. Proposed Final Judgment, Section III, Sub-Section E
78. Proposed Final Judgment, Section III, Sub-Section], Paragraph 2
79. Proposed Final Judgment, Section III, Sub-Section J, Paragraph 2
80. Proposed Final Judgment, Section III, Sub-Section J, Paragraph 1

MTC–00027603

From: Daniel Upper
To: Microsoft ATR
Date: 1/28/02 7:05am
Subject: Microsoft Settlement

The proposed settlement is grossly inadequate in two substantial ways.

First, it doesn't address the primary reason that business users use Windows, which is Microsoft's ''Office'' suite of productivity applications — notably Word, Excel, and Powerpoint. Most businesses and industries (the legal profession being something of an exception) have effectively standardized on these applications. Because most office workers have the Office applications available, it is common practice to email documents to others in Word, Excel, and Powerpoint file formats.

This common practice effectively requires everyone in the business world to have applications which can read and write Office file formats. And— because only Microsoft knows all the details of these file formats—the only applications which can read and write all aspects of these formats are those sold by Microsoft. Most word processors have some ability to read Word documents, but stop short of implementing features like ''change tracking'', which is widely used in collaborative work. The non-Microsoft tools I've tried for reading Powerpoint presentations have all been unable to render some slides intelligibly at all. I, for one, use Linux for almost all of my computer tasks, but can not function in the business world without access to a Windows computer.

So Microsoft has two mutually supportive monopolies, one on operating systems Windows and the other on productivity application suites. Resolution of case must provide a way for other OSes to have full use of/access to MS Office format documents. And it is not sufficient to require MS to sell versions of the Office applications for other OSes. MS has sold versions of the applications for MacOS, and MS has manipulated the production of these versions in ways which have enhanced the Windows monopoly.

Microsoft should publicly document all file formats and network protocols it uses. Such documentation can be inadequate—accidentally or deliberately—so if there's any doubt that the documentation is adequate, MicroSoft should be required to publish working code. In addition, the clauses in Microsoft's End User Licence Agreements (EULAs) which prohibit the user from disassembling, decompiling and reverse engineering should be voided and Microsoft should be prohibited from including such clauses in future EULAs.

Second, the proposed settlement only seeks to provide relief to Microsoft's commercial competitors. Certain clauses in the proposed settlement, such as Section III(J)(2), require Microsoft to make specified information available to businesses, and let Microsoft judge who qualifies as a business. Various not-for-profit entities, including not-for-profit organizations, individuals, universities, and government agencies—are important participants in the software industry. Public interest is not served by excluding them.

Quite a bit of important and widely used software is developed by non-for-profit entities. Such software includes the Linux OS, which is developed by an ad-hoc group of programmers and may be the OS which comes closest to competing with Windows. There are indications that Microsoft is concerned that Linux and other ''open source'' software may become important competitors. (Although there are companies in the business of enhancing and selling Linux, most Linux software is not written by these companies.) Instead of requiring Microsoft to make specified information available to specific businesses, the settlement should require Microsoft to publish the same information publically.

Daniel R. Upper
1330 NW Hillcrest
Corvallis, OR 97330

MTC–00027604

From: mfpedersen@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:02am
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,
Marian Pedersen
PO BOX 1518
Layton, UT 84041–6518

MTC–00027605

From: Joseph Gilvary
To: Microsoft ATR
Date: 1/28/02 7:07am
Subject: Disagree with settlement

I disagree strongly with the proposed settlement. I would like to express my disappointment that the Justice Department and several states, including shamefully, my home state of Maryland, would consider ending the actions against the predatory monopolist Microsoft without ensuring sufficient protection for consumers to ensure a competitive environment in the future. Microsoft's actions have stifled, not encouraged innovation in the software industry.

Respectfully,
Joseph Gilvary

MTC–00027606

From: L. Drew Pihera
To: Microsoft ATR
Date: 1/28/02 7:08am
Subject: Microsoft Settlement

This settlement is a bad idea for a number of reasons. The most prevalent in my mind is the fact that currently, businesses and consumers really have no choice in the matter of what operating system to buy. I am currently at work, where I am a research

scientist for the Georgia Institute of Technology's Research Institute. I am not composing this email on a Linux machine, though that would be my preference. In fact I have requested such a machine, but it has been deemed not doable. The reason I am told, is that we must remain compatible with the rest of the world. So by default, because everyone runs Windows, we must. Not because it's the better product, not because it's cost effective, but because they hold the monopoly on desktop systems. I have asked other system administrators why they run Windows, and the reason is some permutation of a need for Windows to remain compatible or a need for Microsoft Office for the same reason. Without a choice, productivity is cut. There are countless times I would have been able to produce work faster if I did not have to deal with Windows, but I did not have a choice. If I want to run Linux at home, I have to buy a second computer because first and foremost, I need to stay compatible with work, and thus must have a Windows machine. The cycle is never ending. I have also had to port code from various other operating systems to Windows as well, most recently in a language called ''C'' which is supposed to be standardized. This means that I should be able to take the code straight to the Windows machine and use it, as I used nothing but the ''plain vanilla C'' as we call it (meaning using nothing but the standard functions of the language). There were however multiple changes that needed to be made to the code however in order to get it to work. These were usually just a simple name change for a function call, but this is an illustration of another way Microsoft breaks inter operability to maintain a monopoly and force people down the Windows path.

L. Drew Pihera
Research Scientist I
Electronic Systems Lab,
Georgia Tech Research Institute
Atlanta, GA 30332 Phone: (404) 894–7041

MTC–00027607

From: Nick McKnight
To: Microsoft ATR
Date: 1/28/02 7:11am
Subject: Microsoft Settlement

To whom it may concern,

In regard to the specifics of the proposed final judgement, Section III.J.2.c would allow Microsoft to condition licensing of security-related APIs based on their right to certify the ''authenticity and viability'' of a potential licensee's business. This right could be used by Microsoft to block progress in many free software projects aimed at interoperability. Active third-party involvement would be needed to insure equitable standards in the licensing of security-related APIs. I feel the comments offered at http://www.kegel.com/remedy/letter.html should also be considered. Based on his comments at http://slashdot.org/article.pl'sid=01/12/17/1235220&mode=thread I believe Stephen Satchell should be considered for appointment to the proposed three-person Technical Committee.

With greater dependence on digital infrastructure, the availability of software that is both secure and open to innovation is a critical need. I believe free software such as GNU/Linux can help fulfill this need and should be encouraged.

Sincerely,
Nick McKnight, Lawrenceville, GA;
Software Engineer

MTC–00027608

From: Nathan Florea
To: Microsoft ATR
Date: 1/28/02 7:12am
Subject: Microsoft Settlement
Antitrust Division, Department of Justice;

I have numerous problems with the Proposed Final Judgement between Microsoft and the Department of Justice. I believe it is inherently flawed and will prove ineffective. I think it would have been unacceptable before Judge Jackson's Findings of Fact. After that, however, any settlement as favorable to Microsoft as this one is mind boggling.

I think the specific reasons the Proposed Final Judgement is flawed have probably been adequately covered in comments from my fellow citizens. Instead, I will write about why I do not think any behavioral remedy will be adequate to curb Microsoft's anti-competitive practices. This is something that I can perhaps provide some unique or at least less common insight on.

I think that the corporate culture at Microsoft will make any behavioral remedy ineffective. As someone who worked at Microsoft during the antitrust trial, I think I have some understanding of the corporate culture there. It is very insulated. A large portion of people who work at Microsoft have no professional contact with anyone outside of company. It is very polarized with an ''us against the world'' mentality. The use of anything but Microsoft products, unless there is absolutely no Microsoft alternative yet, is frowned upon. And Microsoft believes it did nothing wrong. This is evidenced in the public statements from its executives, such as Bill Gates and Steve Ballmer. Never have they said that Microsoft did anything wrong. In fact, they have constantly claimed Microsoft has done nothing wrong, even after Judge Jackson's findings. And this permeates throughout the corporate culture. Never did I hear a Microsoft employee voice an opinion out of line with the company's position. Never did I hear anyone admit the DOJ case had any validity.

Until Microsoft changes their corporate culture and acknowledges that it engaged in anti-competitive practices, a behavioral remedy will simply be an obstacle to work around or through. And Microsoft has proven how effective it can be at getting around any behavioral changes with the previous consent decree. Expecting a behavioral change to be effective given Microsoft's track record and unyielding stance is foolishly optimistic at best.

Please reconsider a structural remedy. At the very least, make a genuine attempt to change the corporate culture. Microsoft has to take responsibility for its crimes before any settlement can move forward.

Sincerely,
Nathan Florea

MTC–00027609

From: wayne swygert
To: Microsoft ATR
Date: 1/28/02 7:14am
Subject: Microsoft settlement

To Whom it may concern:

Please put an end to the persecution of Microsoft—this lawsuit is nothing more than envy on the part of their competitors who wish to substitute political and legal maneuvering for free market competition-which is all Microsoft has ever done, despite dishonest publicity to the contrary. The fact remains that Microsoft does not have the power to force anyone to buy it's products—it's just not possible. Only the government can physically coerce.

Therefore, please end this lawsuit now...cease punishing Microsoft...it is immoral and unjust.

Sincerely,
Wayne Swygert

MTC–00027610

From: Mott Dave Contr WRALC/LYSBD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:13am
Subject: Microsoft Settlement

The proposed settlement does not go far enough to punish Microsoft. Their monopoly has damaged quality and innovation in the computer industry. Their success in the consumer operating system market has spilled over into enterprise software. Uninformed, non-technical business managers who use Microsoft products at home, like them, and do not have enough experience with computers to recognize low-quality products when they see them, have forced businesses into using Microsoft products. Technical business people have been forced to use their inferior products simply because of Microsoft's monopoly in consumer software.

Microsoft should be punished for their monopolistic abuses. They should be forced unequivocally to open up all technical details of their enterprise operating systems (Windows 2000 Professional and Server, Windows XP Professional and Server) and all technical details of Microsoft Office in order to enhance competition.

They should be forced to help competitors ''catch up''. They should be forced to allow porting of Microsoft Office to Linux and Solaris operating systems.

MTC–00027611

From: Greg Allen
To: Microsoft ATR
Date: 1/28/02 7:16am
Subject: Microsoft Settlement
Department of Justice,

Microsoft should be allowed the freedom to innovate and compete in the competitive software industry. Most of us in this industry can see through this case to the real issue of Microsoft's competitors attempting to use the legal system as the means to an end. I strongly support Microsoft and their freedom to innovate.

Sincerely,
Greg H. Allen
Allen Consulting Services,
President and CEO.
mailto:allenconsult123@hotmail.com

MTC–00027612

From: BSHART@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 7:17am
Subject: Microsoft Settlement
Please do not penalize success.
Thank You,
Lewis Hartman
4867 Granger Road
Akron, Ohio

MTC–00027613

From: Green, Steve W. (O85)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:19am
Subject: Microsoft anti trust settlement
I believe that the provisions of the agreement in the Microsoft antitrust case are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling. They should be enacted as currently agreed without any changes, deletions, or additions.

MTC–00027614

From: Joshua Davis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:21am
Subject: Microsoft Settlement
The purpose of government is to enforce the laws decided by the individuals that we vote into office. To compromise this process will compromise the purpose that government holds in our lives. I believe this decision is an example of how foolish we become when our decisions are dictated by individual financial gain.
Joshua Davis
Research Scientist I
Electronic Systems Lab,
Georgia Tech Research Institute
Atlanta, GA 30332
Phone: 404.894.7554

MTC–00027615

From: Matthew Bromley
To: Microsoft ATR,activism@moraldefense.com@inetgw
Date: 1/28/02 7:21am
Subject: Microsoft
I support microsoft and believe that they should not be penalised for being successful. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to me. 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 anyone. The complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. I want to see an America where success is not throttled, but embraced. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. I believe Microsoft has a fundamental right to its property. It is the government's job is to protect this right, not to take it away.
matthew bromley

MTC–00027616

From: McCabe, Patrick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:24am
Subject: Microsoft Settlement
I believe that the purposed settlement is reasonable and fair to all parties. Settle this case now and let's get on with business. Building better products through innovation is the solution.
Pat McCabe
patrick.mccabe@vw.com

MTC–00027617

From: Dr. Charles Stewart
To: Microsoft ATR
Date: 1/28/02 7:25am
Subject: Microsoft settlement
Dear Sir/Madam,
I would like to submit this argument to the Microsoft settlement consultation process (Tunney act), to the effect that the appeal court justice in charge of the DOJ/Microsoft case chould overrule the settlement and pursue a strong structural remedy, such as the originally proposed breakup. This argument is available online, together with comments from interested parties, at: http://www.advogato.org/article/425.html
I believe that it is the responsibility of the Department of Justice, and not Microsoft, to protect the economic interests of the computer industry by protecting competetion and innovation. The DOJ strongly argued for this position in its suit against Microsoft, but in its recent settlement it has reversed its position, apparently concluding that what is good for Microsoft is good for the software industry. If the DOJ truly believes this, then it should appeal the current verdict. To reverse its previous legal position without arguing for this reversal in court is unethical, because this constitutes a vacation of its responsibility to uphold the public interest.
I think the above conclusion, that the DOJ has abdicated its position as guardian of the public interest, is inescapable if we accept the following theses:
1. Microsoft's responsibility to its shareholders entails its aggressive exploitation of the whole of its competitive strengths: Microsoft has pursued a clear and consistent position in court. While Microsoft's performance in Judge Jackson's court may indicate that Microsoft tampered with evidence, where it stands in respect to its position as monopoly has been clearly argued with both conviction and integrity. It is this: the lesson learned from IBM's troubles with antitrust suits in the 1980s is that a dominant business in the computer industry can only protect its shareholders interests by maintaining its monopoly without being intimidated by the threat of antitrust legislation.
2. In Microsoft's business, only the paranoid survive: Furthermore, for Microsoft to maintain its monopolies in an industry that changes as quickly as the computer industry means that it must extend its monopoly to any new market whose products threaten to displace its current monopolies. Microsoft understands that its responsibility to shareholders requires it to leverage its existing monopoplies to intimidate and undermine rivals in other markets whose products possess this power; this is the principal conclusion of Judge Jackson in the trial brought by the DOJ.
3. Microsoft's monopolies injure business innovation, technical innovation and price competition in the computer industry: Especially they undermine the competitive strengths of alternatives developed by companies too small to challenge Microsoft in the courts, such as Be's BeOS and Dave Winer's Frontier, and of contributions by developers in the free software community such as Linux and Zope.
4. To maintain competition in the markets in which Microsoft dominates through its advantages as a monopolist requires Microsoft to be successfully limited in the courts.
5. To restore competition to these markets without infringing Microsoft's 'right to innovate'' requires a structural rather than a behavioural remedy: Microsoft is a 'serial recidivist': there is a long history of bevioural remedies that have failed to deter Microsoft from effective exploitation of its monopoly position. The DOJ argued strongly for a break up of Microsoft in the trial courts. If it no longer believes that Microsoft's monopoly position requires effective legal limits, it has a duty to make its reaons for beliving this public. Its failure to do so is a very gross failure of its ethical and legal mandate to protect competition from monopoly abuse in the computer industry. I believe that the courts should pursue a structural remedy, ie. a breakup of Microsoft, irrespectively of the DOJ's new position in the proposed settlement.
Dr. Charles Stewart
(associated with Dept. Computer Science, Brandeis University)

MTC–00027618

From: Ahaleblian@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:26am
Subject: Microsoft settlement
To Those Concerned:
It is fair to say that Microsoft has been a pioneer in the field of computers programming and this computer age. Its motto ''freedom to innovate'' has resulted in the many improvements in the American life, be it commerce, manufacturing, transfer of information, individual amenities, learning etc., In fact it has impacted every phase of human activity, not only in the USA but throughout the world.
As an ex-Associate Professor (retired) in the field of business management, accounting and finance, I have witnessed the development of the various Microsoft programs over the 15 years and their impact on the students'' ability to use them to accelerate the rate and, thus, the volume of learning. It is also fair to say that Microsoft's contribution to the other pioneers to create peripheral electronic products by providing capital through investing in such ventures or providing its products to enable them to build on the basis of such information. The cumulative benefit to of all the enterprises to humanity has been greatly enhanced,
The charges brought forth against Microsoft's that business activities were monopolistic and the decision issued by Judge T.P Jackson has been adequately proven to be an erroneous one over the period between its inception of the charges made and the present by the mere facts of the industries'' (and substantial competitor

companies) activities and mode of operations e.g. Aol - Netscape -Time Warner and many others. I am willing to accept that the technical aspect of the law resulted in fines, and that Microsoft is willing to go the extra mile to resolve the issue by proposing a, more than generous, settlement. which is now being unreasonably turned down.

The penalties that seem to be on the table are substantial and extremely unfair to Microsoft's investors who have patiently awaited for the day that they will be rewarded in terms of dividends. The investors have realized the necessity of reinvestment for the development of new and innovative products and the accumulation of profits for use for the new products. Now the resources are being diverted to other parties'' benefit. I believe this is totally unfair if not utterly unwise.

The stance of the nine states is an extremely self-serving one. Who are they to say that their citizens were overcharged on Microsoft products? I cannot imagine any individual who feels any differently then I. Microsoft did not put a gun to my head to force me to buy its product. I did it voluntarily and gladly. I would like to know how these state litigants intend to spend the monies that they aspire to receive, Surely they don't, and cannot, identify each of the product purchaser and give them their refunds. Even if they tried, the bureaucratic system would absorb the lion's share of the funds, leaving pennies on the dollars to the actual purchasers of the product. I for one, am looking for a fair return on my hard earned investment. I can only expect that to happen if this case is closed and Microsoft can continue to exercise its prerogative and right to innovate.

Microsoft has the right to protect its intellectual property and the right to innovate without impediments. Its business practices are no different from those of the competitors who have survived the present depressed economy.

ITS TIME TO SETTLE THIS ISSUE AND MOVE ON.

Respectfully,
Albert J. Haleblian
CC:MSFIN@microsoft.com@inetgw

MTC–00027619

From: Michael.Panzera@sealedair.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:26am
Subject: microsoft settlement

Please find attached my sentiments supporting a speedy resolution of the Microsoft anti-trust case. I think it would be good for our economy.

Thanks
Michael Panzera
(See attached file: USAGPanzera—Michael—1078—0121 .dot)
207 Burlington Road
Freehold, NJ 07728

January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

I am writing to state my support for the settlement of the Microsoft antitrust case. I appreciate your leadership in directing your Department to negotiate for three months with Microsoft in order to reach this reasonable settlement. It is time now to move on.

Gratitude is what I have for your sensible leadership on this matter, Mr. Ashcroft. Thank you for your support.

Sincerely,
Michael Panzera

MTC–00027620

From: Todd Olson
To: Microsoft ATR
Date: 1/28/02 7:27am
Subject: Microsoft Settlement

To the Honorable Court:

I find it doubtful that the currently proposed remedies for the issues of the Microsoft case will succeed in meeting the ruling of the Court of Appeals as to what ''a remedies decree in an antitrust case must seek''. Herein two additional remedies are proposed which I believe substantially improve the resolution of this case. Following the statement of the proposals, are comments on the motivation and justification of the proposals, which in turn are followed by some details of the proposal. Since my experience in legal matters is very limited, I hope that others who are more experienced will see merit in the general nature of these proposals and refine them to a form that is suitable for use in this matter.

PROPOSAL SUMMARIES

Proposal #1: Jump starting the strangled OEM infrastructure for marketing non Microsoft operating systems by requiring Microsoft to pay for it's creation.

Proposal #2: To reduce the probability of future illegal monopolization resolve that the only contractal terms between Microsoft and other parties that can be litigated and enforced in US courts are those that have been made widely and publically available adequately prior to the violation of terms in question.

PROPOSAL RATIONAL

Proposal #1 is a necessary addition to the proposed remedies as it is the only way to ''deny to the defendant the fruits of its statutory violation''. As long as it is essentially impossible to to purchase an intel based desktop computer system with a non microsoft operating system (such as BeOS, Lunix, *BSD), particularly from a major hardware vendor which has long been a problem for both my private activities as a computer hobbiest and my professional activities as a computer support provider, as long as this situation remains, then Microsoft is enjoying the fruits of its past illegal monopolistic behaviour. Normally if merchant X entered merchant Y's place of business and destroyed merchant Y's merchandise we would say to merchant X ''not only must you not do that again, you must renumerate merchant X for the cost of undoing the damage you did, so that he can return to business''. Why then, if merchant X has carried out this distructive behaviour repeatedly for years would w! e only enjoin merchant X to stop that behaviour and tell merchant Y that they must bear the cost of the damage they have received with out renumeration? Do the OEM's actually find the current proposed remedies convincing enough that they are willing to make the investement to be able to ship computers with non Microsoft operating systems? In evaluating the proposed remedies, the court should ask the OEM's this question. I suspect that in the absence of the addition of proposal #1 they will not, and hence the proposed remedies will do little to change the current market situation for consumers of computer systems. It is likely more must be done.

Proposal #2 is a necessary addition to the proposed remedies as it is the only way to ''ensure that there remain no practices likely to result in monopolization in the future''. Microsoft's track record in creating innovative ways to bully other businesses is sufficently well established that merely (narrowly) listing past transgressions and saying ''don't do that again'' clearly won't prevent them from undertaking new bullying in unlisted areas, particularly new markets. It is in everyone's best interest, including Microsoft's, that they grow out of this behaviour. It has long been understood that they way to minimize egregious bullying behaviour is to require all transactions occur in public ... that is why we put lights by ATMs .... and why the US constitution goes to some length to require that governmental proceedings must no be behind closed doors. Should we abandon this sound principle here, when it is most needed?

I believe that neither of these additional proposals (as elaborated below) impose undue burden on Microsoft. I believe they are necessary to provide relief and restitution to all of us living in a world stunted by Microsofts past practices. I believe that these additions will strengthen both the US economy, by freeing it from over dependance on one providor of computer services, and also strengthen Microsoft, by encouraging it to stop spend so much of it's energies on destructive practices, trying to keep the rest of the world down, and rechannel those energies to new constructive activites.

PROPOSAL DETAILS

Proposal #1: Jump starting the strangled OEM infrastructure for marketing non Microsoft operating systems by requiring Microsoft to pay for it's creation.

The goal is to rapidly create an OEM infrastructure that co-markets with the current Microsoft OS based computer systems, computers that—on the same hardware, out of the box—run non-Microsoft operating systems, both in addition to and instead of the Microsoft OS ... at minimal additional cost. The deliverable is that it be possible to purchase from major OEMs both individually and in large quantity, standard hardware that out of the box (a) directly boots into at least one non Microsoft operating system (b) directly dual boots into at least one non Microsoft operating system in a manner easily managed by a novice computer user. (c) directly multi boots in to at least two different non Microsoft operating systems in a manner easily managed by a novice computer user. Option (a) should be available in (say) 4 months, option (b) in (say) 6 months and option (c) in (say) 8 months.

One key issue is ensuring that such an infrastructure is not unnaturally re-strangled

by Microsoft (or any other party). Although the effectiveness of the proposed remedies to ''unfetter a market from anticompetitive conduct'' is doubtful, as a hypothetical, lets take them as adequate and pass on to the other key issue which does not appear to be addressed in the proposed remedies.

The other key issue is the cost of creating this infrastructure. we propose that Microsoft pay for the creation of this infrastructure. This should be viewed in a renumerative rather than a punative light. This should be viewed as an aid to recovering what would have been had Microsoft not abused it's monopoly.

There are at least two different types of cost involved:

(a) the one time costs faced by the OEMs in creating an infrastructure that permits them to ship hardware with a variety of operating systems.

(b) the costs (both one time and on going)of ensuring the other operating systems to be shipped work on the hardware that is shipped

which suggests at least two different levies on Microsoft assets:

(a) Microsoft should be assessed a one-time, non-punative, fine of some appropriate amount (perhaps US$100,000,000), to be disbursed by neutral, knowledgable trusteeship, over a short period of time (perhaps 9 months), to the OEMs, for the sole purposes of implementing the proposed infrastructure, and getting the alternate operating systems working on the shipping hardware.

(b) A fee, to be paided by Microsoft, to a neutral trusteeship, is to be assessed on every copy of Microsoft operating system shipped, for some intermediate period of time (perhaps 3 years), and is to be used for the sole purpose of underwriting the work of keeping the alternative operating systems operating the rapidly mutating hardware shipped by the OEMs. The level of the fee will be reviewed and adjusted every few months.

Thought might also be given to levying a fine on Microsoft to be used as a startup investement to bring BeOS back to the market place. Note that the aim is to bring in to existance what we most likely would have had, had Microsoft not strangled it. The aim is not to demand that Microsoft underwrite the system beyond some reasonable incubation period.

There are many details to be worked out...

(1) Who chooses what operating systems are available? It is preferable that many choices be made available, and let the customer choose. Personally I'd like to be able to choose at least one linux, one *BSD, and BeOS.

(2) Who provides the boot loader? Clearly this should *not* be in the hands of Microsoft. It is to be hoped that the industry can spec an fully open standard that Microsoft then be compelled to comply with.

(3) What will prevent Microsoft (or other vendors) from having their operating system damage other systems installed (over writing boot blocks, etc). Perhaps large punative damages if this occurs would be appropriate.

(4) How to ensure that Microsoft does not force the rate of (gratuitus) hardware mutation so high (by rapidly changing what hardware they support and don't support) that other OS providers are exhausted by trying track it? In part by steeply raising the above mentioned fee imposed on each shipped Microsoft OS for underwriting this work on other OS. And perhaps in part by additional legal remedies.

(5) How to avoid having two hardware systems emerge ... one that can not run anything but Microsoft's OS, and one that runs everything else?

(6) Note that Microsoft must have no say in how the various moneys are disbursed ... I don't think we can yet trust Microsoft to not trojan such an effort.

(7) How to avoid building the proposed infrastructure in a way the Microsoft ends up controlling? Perhaps Microsoft must be explicitly forbidden to participate in the infrastructure development. Note care should be used to avoid building with pieces that Microsoft can end-of-life there by gutting the infrastructure shortly after it is built.

Proposal #2: To reduce the probability of future illegal monopolization resolve that the only contractal terms between Microsoft and other parties that can be litigated and enforced in US courts are those that have been made widely publically available adequately prior to the violation of terms in question.

The goal here is to create an environment where it is much harder for Microsoft to engage in the sort of divide and conquor bullying tactics of the past. This remedy should be in force for ten years. At which point it should be reviewed and extended if need be.

One way to insure public availability is to levy an annual fine on Microsoft that a neutral trusteeship would use to maintain a website with all published Microsoft contracts. The website must be well connected and widely accessible with a wide range of standards complient web browsers in an anonymous manner (no registration, etc).

It is very important that all the information be available to everyone. Based on my experiences at the retail computer level, I believe that many small business would have choosen other products years ago, and hence not be trapped in the current gratuitious upgrade intensive, insecure, computing environment they now find themselves in, if they had know what sort of business tactics Microsoft was using. By making this information open to all, the public and the markets can police Microsofts future behaviour, rather putting that burden soley, and inappropriately, on the courts.

To guard against obsfuscation, vagueness, and excessive subtlety the above fee should also be disbursed periodically to a variety of independent evaluators who should be charged with evaluating the clarity of the contracts, and the degree to which several innocuous interlocking contracts can establish monopolistic dominance. Of particular concern are terms such as ''... vendors in good standing'' which leaves the meaning of the contract entirely up to Microsoft, and are a particular effective form of bullying. Appropriate punative fines should be levied if such Microsoft is found to be engaging in such evasive and injurous practices.

CLOSING REMARKS

I believe the above to be necessary in resolving the Microsoft case. However it most likely will not be sufficent.

I hope that the court finds something of use in these remarks.

MTC–00027621

From: N2URO@ao1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:31 am
Subject: Microsoft Settlement

To whom it may concern:

The following comments are being submitted pursuant to the Tunney Act in response to the proposed settlement of The United States v. Microsoft, Inc.

Sincerely,

Samuel Greenfeld

Personal Background:

I am an electrical engineer presently working for the United States Army. Due to outstanding security issues I will not comment further about my specific position. I have a bachelors degree in electrical & computer engineering and an masters degree in engineering with an electrical specialization. I am also a certified engineer-in-training in the state of New Jersey.

In the past I have performed computer consulting where I designed and managed entire Internet and Intranet systems. I have worked computers systems both reliant and not reliant on Microsoft products. In the process I have done limited integration and seen the interactions of Microsoft products with those from other firms. My comments come from the perspective of an end-user, programmer and systems administrator.

The enclosed comments are to be taken as my personal comments; they are NOT necessarily the official views of the U.S. Army, the U.S. Government, nor any portion of either organization thereof. Any questions about my comments should be directed to the email address from which this message was sent.

General Information:

Microsoft's products have become de-facto standards in the United States'' computer market. Approximately 90% of all computers presently in use today are estimated to be using a Microsoft operating system. The next-nearest competitor is believed to be Apple computer, with a market share of approximately 5%.

The lack of a significant competitor has discouraged manufacturers of other devices from supporting other operating systems. Many hardware items now are designed primarily for use with Microsoft-running computers. ''Winmodems'' and ''Winprinters'', found in almost any computer store, are so named because they and their software drivers rely on features found in Microsoft Windows products. Winmodems themselves have become so popular due to their low cost that many computer manufacturers no longer supply full-featured modems; the term itself can be found the packages of many modems in computer stores. [1] In the software world,

[1] An example of a winmodem can be found at http://www.usr.com/products/home/home-

products that do support non-Microsoft operating system (OS) platforms tend to charge more for versions that do not run on a Microsoft OS. This is largely due to economies of scale since Microsoft's operating systems dominate the market. Except for certain specialized applications, the high price of programs for non-Microsoft operating systems tends to turn off cost-conscious companies from purchasing non-Microsoft operating systems and their programs in the first place.

In addition, software and hardware companies often refuse to support efforts to use their hardware and/or software on other platforms due to the support headaches and expenses this causes. This causes problems for projects like SANE [2], which attempts to allow users of Linux (one alternative operating system), to use photographic scanners on other platforms.

Shortfalls of the current proposal / Proposed additional remedies:

The court, having recognized that Microsoft's operating system lead has effected competitors, has proposed opening up many of Microsoft's programming interfaces, protocols and related to third parties.

While I agree with the court's intent, I personally believe the current settlement fails to address the needs of several parties. Please find the additional items I wish to be addressed lettered below:

A. The current proposal fails to provide a competitive market for third-party replacements of Microsoft middleware and operating systems: The settlement as currently written requires Microsoft to generate information about its protocols and upcoming interfaces in the beta stage of projects [3]. This is a phase too late for many firms to match Microsoft's development, and will result almost always in Microsoft being first to market.

An example of a software project already continuously caught lagging behind Microsoft's protocol changes is the Samba project. [4] This project attempts to create an alternative client and server for Microsoft's SMB Networking protocol. Given a lack of documentation and constant tweaks, quirks, and other issues, they constantly find themselves at least a year behind Microsoft's current network server protocol revisions.

In order for there to be a level playing field for Microsoft, Samba, and other developers (regardless of area), protocols and APIs, however tentative, must be made available within sixty (60) days of Microsoft's development of them at least for the first five (5) years of the settlement. Without such a provision, companies will be unable to match Microsoft's market offerings in a timely manner, and hence many often fail to produce timely competing products.

B. The current settlement fails to address the needs of independent, typically non-commercial and/or ''free'' software developers: The Samba project, mentioned above, has no real ''home-base'' organization that can sign contracts on its behalf, nor could be considered a ''business'' by any stretch of the imagination.

While a skilled engineer might be able to build or repair a record player or cassette deck, building a home-brew CD or DVD player is almost out of the question. Hence, many hobbyists have turned to software development. The number of hobbyist-designed programs on the market today is significant; they range from paint programs to office suites to independent operating systems with their own supporting middleware.

Many companies employ the people working on products such as Samba could sign these contracts on their employee's behalf. But there is no single business that could sign the necessary paperwork to make an alternative version. Non- disclosure agreements may also be problematic, as many freely available programs make their source code available for others to modify to their unique requirements.

Since independent and home developers often like to make products that compete with Microsoft's products, the settlement must be modified so any party, regardless of business, educational, or other status, can acquire information on Microsoft's APIs. Such terms should allow the resulting end products in the vast majority of cases to exist in source code form.

C. The current proposed settlement fails to include a user education segment. Few users change or remove the default programs that Microsoft and/or the OEM that built a computer provide. A joint-industry effort must be made to educate consumers to ensure they understand they have alternatives, even if said alternatives cost money over what they paid for software to be included with a computer.

D. The current settlement proposal fails to provide a means to identify the party most likely at fault due to a user's problem. When software and/or hardware products interfere with one other, the makers of the products involved may span several companies. Such companies, as those familiar with attempting to get technical support are aware, tend to blame each other.

There must be a clear registry or other source that a user can see that tells them whose product is performing can perform function on their computer. The registry must state at the very least the manufacturer of said item, the installer of said item and a technical support contact and means (phone, email, etc.). This registry must also note if several products are capable of performing said function; these programs may interfere with each other as well.

All ''ll-behaved'' programs made after this registry program is incorporated into Microsoft's operating systems (and made available for older ones as a retrofit) should use this registry. That way both users and technical support personnel are aware as to what performs what task on a user's system.

MTC–00027622

From: Scott F Keep
To: Microsoft ATR
Date: 1/28/02 7:31am
Subject: MICROSOFT SETTLEMENT

I am a lawyer but not an antitrust lawyer. I am not sure I understand why the government brought its suit against Microsoft in the first place—or to the extent that I understand why the suit was brought, I am not sure I agree. In any event the suit was brought and there is now a proposed settlement. I am also a consumer of computer software and hardware, as are the three other members of my family. I believe that this litigation has been expensive for all sides. It has added to the cost of computer produces and had a chilling effect on the entire computer industry for unknown or speculative future gains. While I am a computer consumer/user, I am not a guru. I don't need 10 different operating systems. I need one that will integrate easily all the different applications. I need standardization and easy of integration.

I believe that settling this litigation now—and the quicker the better—is in my family's best interests and in the best interests of the vast majority of computer users.

MTC–00027623

From: simon.bates@allsop.co.uk@inetgw
To: Microsoft ATR
Date: 1/28/02 7:09am
Subject: Microsoft Anti-Trust Case

I understand you are listening to public opinion on the case against Microsoft. That, if I may say, is your first mistake. It is not a matter of public opinion whether Microsoft is allowed to be free to sell its product to a willing buyer- in a free society. Any such transaction has nothing to do with parties outside of that transaction. How dare you be so presumptuous! Microsoft has added incredible value to all our lives, business and public and must be left free to continue its product development and promotion in any way it see fit.

Land of the Free? Only if you realise the evil that this case is trying to perpetrate.

Simon Bates
Waterloo, London.

MTC–00027624

From: Stuart J. Hysom
To: Microsoft ATR
Date: 1/28/02 7:53am
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.

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product.asp'sku=3CP5699A . Note the description states that the item is ''designed exclusively for the Windows operating system.''

[2] The SANE Project Internet homepage: http://www.mostang.com/sane/.

[3] Reference Section III.D of the Competitive Impact Statement.

[4] http://www.samba.org

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.

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,
Stuart J. Hysom
Department of Sociology
Emory University
1555 Pierce Rd. NE
Atlanta GA, 30322
404–727–7510

MTC–00027625

From: tswann@aperturefever.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:54am
Subject: Microsoft settlement

To whom it may concern:

As a professional computer programmer and computer user for almost 2 decades, I feel obligated to make a comment regarding the settlement the DOJ has reached with the monopolist Microsoft. Given Microsoft's history of using its monopolist position to force its way into one market after another and leaving a trail of crushed competitors in its wake, I feel the proposed settlement agreement is a travesty of justice. Microsoft has the attitude that its behavior has benefitted customers when in fact the only entity that has benefitted is Microsoft. Furthermore, I strongly believe that Microsoft will continue to behave in a manner that will cause further violations of the anti-trust act unless the government sends it a message, in the form of a *much* stronger punishment, that this behavior will not be tolerated.

As things stand, MS will continue to break the law, and they will have to be forced into court to make them comply. Of course, all this will take years, as MS will send a swarm of lawyers to delay any legal action until it's far too late to do anything about it. Microsoft is *right now* using its monopoly to work its way into new markets, yet nothing is being done about it. The longer the government waits to act, the worse things get for consumers.

A stiff fine (as a percentage of Microsoft's worth..say 1%), separating the operating systems from the applications divisions of Microsoft, and forbidding Microsoft from entering any new markets for a couple years (to allow a competive environment to develop in these new areas) are all required to put Microsoft in a position relative to other companies that will allow competition to once again thrive to the benefit of the consumer.

Thomas Swann
Oviedo, FL

MTC–00027626

From: Eben Moglen
To: Microsoft ATR
Date: 1/28/02 7:53am
Subject: Microsoft Settlement

Please find attached a filing under 15 U.S.C. Section 16 in relation to the above matter.

Very truly yours.
Eben Moglen
Professor of Law
Columbia Law School,
435 West 116th Street,
NYC 10027
columbia.edu
voice: 212–854–8382
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moglen@
General Counsel,
Free Software Foundation http://moglen.law.columbia.edu
January 27, 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 Professor of Law at Columbia University Law School in New York, and General Counsel (pro bono publico) of the Free Software Foundation, a non-profit § 501(c)(3) corporation organized under the laws of the Commonwealth of Massachusetts, with its headquarters in Boston. I make this statement under the provisions of 15 U.S.C. § 16(d) concerning the Proposed Revised Final Judgment (hereinafter ''the Settlement'') in United States v. Microsoft Corp.

The remedies sought to be effected in the Settlement are, in their broad outline, appropriate and reasonable measures for the abatement of the illegal conduct proven by the United States at trial. The goal of such remedies is to require that Defendant affirmatively assist the restoration of competition in the market in which the Defendant has been shown to have illegally maintained a monopoly in violation of 15 U.S.C. § 2. The remedies embodied in the Settlement would substantially achieve that goal, appropriately furthering the Government's pursuit of the public interest, if the Settlement were amended to rectify certain details one-sidedly favorable to the Defendant's goal of continuing its illegal monopoly.

Defendant—in the interest of continuing unabated its illegal monopoly—has artfully drafted certain clauses of the Settlement so as to hobble potential competition, giving the appearance of affirmatively assisting to undo its wrong, but covertly assisting instead in its continuance.

The District Court found that the Defendant had illegally maintained a monopoly in the market for Intel- compatible PC operating systems. (Findings of Fact, November 19, 1999, • 19.) The mechanism of that mo- nopolization, the court found, was the attempt to establish exclusive control of ''application program interfaces'' (''APIs'') to which applications developers resort for operating system services, so as to prevent the possibility of ''cross-platform'' development threatening Defendant's operating systems monopoly. (Findings of Fact, • 80 and passim.)

The Settlement accordingly makes appropriate provision to require Microsoft to provide access to full and complete technical information about its APIs on non-discriminatory terms, so as to prevent Defendant's prior conduct in erecting artificial and illegal barriers to entry to the monopolized market.

But the precise terms of the Settlement create a series of artful technical loopholes vitiating the primary intention. Section III(D) provides that:

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. (emphasis added)

The ''sole purpose'' requirement means that Defendant does not have to make any such API information avail- able to developers of software whose purpose it is to make competing Intel-compatible PC operating systems. Only those who make programs that interoperate with Windows Operating Systems Products may receive such information. Under § III(I)(3), an applications developer who has received licensed information concerning Defendant's APIs could be prohibiting from sharing that information with a maker of a competing Intel-compatible PC operating system, for the purpose of interoperating with that competing product. Under § III(I)(2), if a potential competitor in the market for Intel-compatible PC operating systems also makes applications products, it can even be prohibited from using licensed information it receives in order to make those applications interoperate with Defendant's products also interoperate with its own competing operating system.

What should be a provision requiring Defendant to share information with potential competitors in the monopolized market turns out, after Defendant's careful manipulation, to be a provision for sharing information ''solely'' with people other than competitors in the monopolized market. The same language has been inserted into § III(E), thus similarly perverting the intention of the Settlement with respect to Communications Protocols.

Defendant has not merely engaged in this undertaking with a goal to the exclusion of potential future competitors from the monopolized market. In the teeth of the evidence, long after having been proved to have behaved with exaggerated contempt for the antitrust laws, Defendant is attempting in the very Judgment delivered against it to exclude from the market its most vigorous current competitor.

Defendant's most significant present challenger in the Intel-compatible PC operating systems market is the collection of

''free software,'' which is free in the sense of freedom, not necessarily in price: thousands of programs written collaboratively by individuals and organizations throughout the world, and made available under license terms that allow everyone to freely use, copy, modify and redistribute all the program code. That free software, most of it licensed under the terms of the Free Software Foundation's GNU General Public License (''the GPL'') represents both an operating system, known as GNU, and an enormous corpus of applications programs that can run on almost all existing architectures of digital computers, including Intel-compatible PCs.

Through one such free software component, an operating system ''kernel'' called Linux, written by thousands of individuals and distributed under the GPL, the GNU operating system can execute on Intel-compatible PC's, and by combining Linux with other free software, GNU can perform all the functions performed by Windows. Non-Microsoft Middleware can execute on Intel-compatible PCs equipped with components of GNU and Linux. Intel-compatible PCs so equipped currently account for more than 30% of the installed server base in the United States, according to independent industry obsevers.

The District Court found that ''by itself, Linux's open-source development model shows no signs of liberating that operating system from the cycle of consumer preferences and developer incentives that, when fueled by Windows'' enormous reservoir of applications, prevents non-Microsoft operating systems from competing.'' (Findings of Fact, November 5, 1999, • 50.) (referring, confusingly, to the combination of GNU, Linux, and other programs simply as ''Linux.'') The District Court correctly found that in order to compete effectively with Defendant in the desktop operating systems market for Intel-compatible PCs, systems equipped with the free software operating system should be able to interoperate with ''the enormous reservoir'' of Windows applications.

There is no inherent barrier to such interoperation, only an artificial barrier illegally erected by Defendant. If Defendant were required to release information concerning its APIs to the developers of free software, GNU, Linux, the X windowing system, the WINE Windows emulator, and other relevant free software could inter-operate directly with all applications that have been developed for Windows. Anyone could execute Windows applications programs bought from any developer on Intel-compatible PC's equipped with the competing free software operating system. And because, as the District Court found, the cost structure of free software is very much lower than Defendant's, the competing operating system product is and would continue to be available at nominal prices. (Findings of Fact, November 5, 1999, • 50.)

That would be too effective a form of competition, from the Defendant's point of view. For this reason, Defendant has included in the Settlement the terms that exclude from API documentation precisely those to whom it would be most logically addressed: potential competitors seeking access to the monopolized market. If the Settlement were enforced according to its intention, the result would be immediate and vigorous competition between Defendant and the parties against whom, the District Court found, Defendant was illegally maintaining a barrier.

The Settlement should be amended to level that barrier, which the current language inserted by Defendant artfully maintains. The language of §§ III(D) and III(E) should be amended to require Defendant to release timely and accurate API information to all parties seeking to interoperate programs with either Windows Operating System Products or applications written to interoperate with Windows Operating System Products.

For the same reason, Defendant's attempt to continue denying the free software development community access to its APIs through the imposition of royalty requirements, in § III(I)(1), should be removed. As the District Court recognized, free software development means that everyone in the world has access, without payment of royalties or prohibition of redistribution, to the ''source code'' of the software. All APIs and other interfaces are fully available at all times to anyone who wants to interoperate with the existing programs. This, and the ability to reuse existing program code in new programs without payment of royalties or license fees, permits vast numbers of interoperable, high-quality programs to be written by a mixture of volunteers and professional project developers for free distribution.

By authorizing Defendant to engage in non-reciprocity by charging royalties for the same information about its programs, thus purposefully ousting volunteer developers, and by prohibiting ''sublicensing,'' thus precluding profit-making developers from seeking interoperability with volunteers, the Settlement is craftily perverted into a mechanism whereby Defendant can continue to withhold API information so as to preclude the operations of potential competitors.

The Settlement should be modified so that § III(I)(1) requires reciprocity, by precluding the imposition of royalties on developers who make their own APIs fully available without payment of royalties or license fees, and so that § III(I)(3) precludes limitation on sublicensing, and requires Defendant to release API information on terms reciprocal to those on which competitors make their own API information available.

In one additional provision Defendant has attempted to subvert the intention of the Settlement in order to preclude effective competition by the Intel-compatible free software operating system. Under § III(J)(1), Defendant may refuse to disclose ''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.''

This provision is so indefinite that Defendant can be expected to argue that all APIs and Communications Protocols connected with the security and authentication aspects of electronic commerce (including especially ''without limitation'' keys and authorization tokens, which are the basic building blocks of all electronic commerce systems) can be kept secret.

At present, all such protocols and APIs are public, which is appropriate because—as computer security experts would testify if, as it should, the District Court seeks evidentiary supplementation under 15 U.S.C. 16(f)(1)—security is not attained in the computer communications field by the use of secret protocols, but rather by the use of scientifically-refereed and fully public protocols, whose security has been tested by full exposure in the scientific and engineering communities.

If this provision were enforced as currently drafted, Defendant could implement new private protocols, extending or replacing the existing public protocols of electronic commerce, and then use its monopoly position to exclude the free software operating system from use of that de facto industry standard embodied in its new unpublicized APIs and Protocols.

Defendant then goes further in § III(J)(2), according to itself the right to establish criteria of ''business viability'' without with it may deny access to APIs. Considering that its primary competition results from a development community led by non-profit organizations and relying heavily on non-commercial and volunteer developers, one can only conclude that Defendant is once again seeking the appearance of cooperation with the rule of law, while preparing by chicane to deny its injured competitors their just remedy.

The Free Software Foundation not only authors and distributes the GNU General Public License, and in other ways facilitates the making of free software by others, it also manufactures and distributes free software products of its own, particularly the GNU operating system, and sells compilations of its own and others'' free software.

The Foundation sustains specific injury from the violations set forth in the complaint that are not remedied by (and indeed are specifically excluded from) the Settlement. The Foundation and the other free software developers with whom it acts are the single most significant competitor to the Defendant in the monopolized market, and the adoption of the Settlement as drafted, with its terms so carefully designed by Defendant to preclude its effective competition, would be a travesty.

We urge that the Settlement be amended as we have described.

Very truly yours,

Eben Moglen

MTC–00027627

From: Pascal Goguey
To: Microsoft ATR
Date: 1/28/02 7:56am
Subject: Microsoft Settlement

To whom it may concern,

Dear Sir, Madam,

I am not sure my comments will be valid since I am posting from abroad. However, it may be a good thing to stress that people

from the whole world, and not only US are frustrated by Microsoft practices, mainly for the following reasons:

1. Impossibility to buy an Intel-based machine which is not preloaded with any of the versions of Microsoft Windows;

2. Impossibility to get a refund from Microsoft in most of the countries when sending back the OS;

3. Extreme difficulty for an OEM to sell machines equipped with alternative operating systems;

As for the recent settlement, it leaves a lot of room for reinforcement of Microsoft's monopolistic position. In particular, the fact that Microsoft must provide software for free to school is like a powertool in Microsoft's hands: first, it costs them a subdollar fee to duplicate the software, and they could even make it downloadable, and second, it will be a free advertisement campaign as all the students in these schools will become used to their products, and therefore more likely to purchase what they are used to. The settlement also lacks a true anti-monopolistic policy.

I am not optimistic enough to think my contribution would change anything, but I hope a significant number non-US residents will join in the same effort.

Best regards,
Pascal Goguey
Kamigyou-ku Ishiyakushi-cho 699
Oomiya doori Motoseiganji-sagaru,
Charmant co-po nishi-jin 302
602–8226 Kyoto, Japan.
Work phone: +81 6 6906 3475
Home phone: +81 75 432 4370

MTC–00027628

From: Josh Fryman
To: Microsoft ATR
Date: 1/28/02 7:58am
Subject: Microsoft Settlement

To those involved in the Microsoft settlement case:

I am writing you to express my concern over the Proposed Final Judgement (PFJ) that is being considered. As a PhD student and researcher at Georgia Institue of Technology in the College of Computing, I note with a technical perspective that the PFJ is not in the best interests of the public.

I have watched Microsoft and its behavior for the past 20-odd years, and tell you freely that the glaring tricks present in the PFJ will enable Microsoft to continue with their anti-competitive practices, and even make the situation worse. The result of being found guilty of Anti-Trust laws should leave Microsoft punished and —incapable— of repeating the business decisions and practices that fostered such acts.

While I know the holes in the PFJ to be many and quite large, here I will pick just one item and try to bring it to your consideration. In the PFJ, Microsoft is required to share the Windows operating system APIs with competitors. The wording which this is done, however, is so weak and narrow that several problems exist.

1—Microsoft determines who it's competitors are, and what pieces of software meet the weak definition of API.

2—Microsoft clearly states that only for-profit companies can even be considered as to whether or not they are competitors, a decision again which only Microsoft can render itself. This immediately precludes free software, such as the Linux operating system of many news articles, from being able to use any information Microsoft may release.

3—Well known and practiced software engineering and research terms and definitions, such as API, are rewritten in this PFJ such that many Microsoft's own products would not be bound by any parts of the PFJ.

Expressing the concept here in simple terms, if a little over-simplified, may help your understanding. An ''API'' is an overloaded acronym. It has meant in a traditional sense ''Application Programmer Interface'', or some close variant. In a modern sense, the ''API'' is not restricted to Applications or Application Programmers, but is meant in a broader sense of *any* piece of software interacting with *any other* piece of software on a system must do so through a set of published interfaces. These interfaces are an ''API''.

Microsoft has a long history of publishing only part of the API suite for it's products, such as Microsoft Windows and Microsoft Internet Explorer, to name just two of the multitude. While competitors struggle to work with the Microsoft APIs, Microsoft's own products use undocumented (unpublished) APIs that are faster, simpler, and have more features. (Not all unpublished APIs are faster/simpler/etc, but many are.) When competitors discover these undocumented APIs, Microsoft has a known habit of changing them to break competitors software, starting the cycle over again of hidden API discovery.

Another typical example of Microsoft behavior can be seen in their Windows 2000 operating system. They took a known public standard, called Kerberos, for secure authentication of users via password and login names, for a baseline system and integrated it into Windows. Then, to ''extend it'', they very slightly modified the behavior to be feature-wise identical but implementation-wise incompatible with all other kerberos based systems. They then billed this as ''all-new'' technology and made their changes a hidden, unpublished secret such that other companies'' products could not interface with Microsoft's products. Their change? Several ''bits'' in the structure of a kerberos message are reserved, but meant to be 0. Microsoft set some of these bits to 1, breaking the standard.

How do these examples relate to the issue at hand? In a very simple manner, they illustrate typical Microsoft behavior. Now, in the PFJ, Microsoft will be able to set its own standards for who may be considered a competitor, and who may see what it considers an API. It even allows Microsoft to change the APIs without telling anyone until much too late!

This is unjust. For this one area to be corrected, Microsoft should be required to do something along the following lines:

—All products must have their APIs published and released into the public domain. Any patents or copyrights on these API designs are also released into the public domain. (Here ''All products'' would be restricted to Microsoft Windows, Microsoft Internet Explorer, and all other programs that are installed by default with any Microsoft Windows operating system product.)

—Microsoft can not change the API without a 6-month prior public notice in DOJ designated major forums for the industry.

—Microsoft must allow individual components to be opted as not installed, as well as removable after installation, without degrading the system behavior in any way.

—Any Microsoft product found to be using undocumented or unpublished APIs immediately becomes public domain, and all source code, patents, and copyrights are released to the public domain.

—Any Microsoft product found to be violating the terms of this section becomes public domain property, with all source code, patents, and copyrights released to the public domain.

These first three simple guides would allow any and all companies to compete with Microsoft in a fair manner. It would also prohibit Microsoft from unfairly changing their APIs without giving fair warning to competitors. The final clauses are meant to be a deterrent to Microsoft for violating these rules.

These are the types of rules and judgements expected when a major monopoly-holder is found guilt of illegally maintaining their monopoly and abusing their power. Not the light wrist-slap that the PFJ is when examined closely.

Regards,
Josh Fryman
210 Arrowhead Rd
Bogart, GA 30622
email: fryman@cc.gatech.edu
phone: 706–548–8784
PhD Student and Researcher
College of Computing
Georgia Tech

MTC–00027629

From: Chip Piller
To: Microsoft ATR
Date: 1/28/02 8:00am
Subject: microsoft anti trust comments

I find the terms outlined in the Proposed Final Judgement (PFJ) of the Microsoft Antitrust case to not be in the best interests of the public. In general I find that the PFJ does not go far enough in it's remedies, that the PFJ should be rewritten so that the language and terms used in the document are more clearly defined, and that the PFJ be more direct and eliminate exceptions and allowances so as to be more restrictive and to eliminate loopholes.

Section III Prohibited Conduct

This sections states that the royalty schedule will be ''established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs''. I would like for the schedule to be made available to the general public. Also, the nature of the web site and access to the web site both need to be defined. The concern here is that Microsoft will prepare the web pages and web site in a way that favors or requires the use of Microsoft products for proper access.

III–B–2 permits Microsoft to charge different amounts for it's products based upon ''reasonable'' volume discounts. The term reasonable must be defined. However,

even if reasonable is defined this volume discount amounts to nothing less than discrimination against small businesses and individuals and therefore should not be permitted. The royalties, fees, and charge schedule should be uniform across the board and should be made public.

III–B–3 Market development allowances. The court has determined that Microsoft is a monopoly and the court has found Microsoft guilty of anti-competitive practices. I am opposed to the court making provisions for Microsoft for market development. This exception makes no sense.

III–D/E This is a very important section. Microsoft must be required to make full and complete disclosure of the API's and documentation necessary for interoperating with all Microsoft software products, not just the Microsoft operating system.

This disclosure needs to be made to the general public and without charge so that members of the open source programming community may develop their software to be compatible with the software produced by Microsoft. This disclosure should be changed to include items such as the Microsoft file formats used by the Microsoft operating system as well as the file formats, communication protocols, and authentication methods used by other Microsoft products such as Word, Excel, and Exchange.

In addition I would like to add that I believe that competition for Microsoft will come from the open source programming community, which is comprised of volunteers around the internet. I would like to see the PFJ remedies be available to these people who will then be able to make their software compatible with that of Microsoft so that consumers will be given a real choice in their software.

Regards,
Maurice F. Piller, Jr.
2631 Blue Meadow Lane
Knoxville, TN 37932
Email: piller@visi.net

MTC–00027630

From: Ronald W. Greiner
To: Microsoft ATR
Date: 1/28/02 8:11am
Subject: Settlement

1. Please allow the proposed settlement to proceed allowing for minor minor adjustments.

Please allow the State of Oregon to set their own policy for the Right to Die. I have voted republican most of my life but sticking your nose into this issue make me think your religious feelings are more important than my right to choose. They are not!!!!!

MTC–00027631

From: fbcjames@ktc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:12am
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 Ervin
625 Washington St
Kerrville, TX 78028

MTC–00027632

From: Steven.Spaletto@ey.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:13am
Subject: Microsoft Settlement
Tax Compliance—State and Local Tax Services
Ernst & Young LLP—Indianapolis Shared Services Location
5451 Lakeview Parkway South Drive
Indianapolis, IN 46268
Phone: (317) 280–3614
Fax: (317) 280–6102
EYCOMM: 2477726

Dear Sir or Madam,

Given the economic recession we are presently in, as well as the events of September 11, I think it is absurd how much time, energy, and money my government has wasted in pursuing Microsoft. Like only a few other times in our nation's history, we should be able to discern acts of true hatred and evil, those that cause significant amounts of real harm to the citizens of this great country, from the acts of an organization that has produced such overwhelmingly positive results for not only its people and shareholders, but also for its industry and this country as a technological and economic super-power. Time does not permit me to go into all the details of my position, but I think it is well past the time for the government (including the Department of Justice) to get back to protecting those that it is supposed to protect.

I say these things not as a Microsoft employee (or as a relative of an employee) or shareholder, but as a taxpayer who funds the operations the government of this country. In a capitalist society there will always be sour-grapes. I think the founding fathers would shudder at the thought of the government tampering as heavily as it has with Microsoft.

Let's let business get back to business, and let's have government work on protecting citizens from REAL harm.

Steve.

MTC–00027633

From: Daniel Phillips
To: Microsoft ATR
Date: 1/28/02 8:21am
Subject: Microsoft Settlement

In 1989, Microsoft apparently obtained a patent covering two principle components of a W3C recommendation, CSS and XSL. Microsoft was a member of the committee drafting the recommendation, and filed for the patent during the time the recommendation was being drafted: http://www.delphion.com/details?pn=US05860073— (US5860073: Style sheets for publishing system)

There was some coverage of this sad affair at the time: http://www.zdnet.com/sp/stories/news/0,4538,2205109,00.html

The question is, might Microsoft intend to use these patents in an attempt to erect new barriers in front of competitors with regard to the CSS and XSL standards? What is to prevent that? Considering the doubtful circumstances in which the patents were obtained, might it not be prudent to compel Microsoft to rescind these patents, or equivalently, release them into the public domain, in order to ensure that these patents are not misused.

Daniel Phillips

MTC–00027634

From: Mike Sallman
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:08am
Subject: Microsoft Settlement

I would like to urge you to reconsider the proposed final judgment in this case. This settlement does little to deter Microsoft from their monopolistic practices and even less to provide redress for past anti-competitive activities.

Microsoft's monopoly stifles innovation, creativity, competition and freedom which are the hallmarks of our free-enterprise system.

Michael Sallman
IT Administrator
Fidelity Bank

MTC–00027635

From: woods@wrkcs.net@inetgw
To: Microsoft ATR
Date: 1/28/02 8:15am
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,
Elizabeth Woods
R.D. # ! Box 100–A
Corsica, PA 15829–9635

MTC–00027636

From: Ingham, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:18am
Subject: Microsoft Anti-trust case

This is to comment that I support this ruling. It will be better for the economy to move beyond this. The plaintiffs shold not be able to win in the courtroom what they cannot win in the marketplace.

Respectfully,
Richard Ingham
mailto:ringham@foxboro.com

MTC–00027637

From: Bill Hopfer
To: Microsoft ATR
Date: 1/28/02 8:20am
Subject: Microsoft Settlement
Bill Hopfer
2684 Seneca Drive
Jacksonville, FL 32259
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am outraged that Microsoft was attacked three years ago. The antitrust suit has been less about reprimanding illegal activity than it has been about greed and jealousy. I would like to see this case settled as soon as possible; it has truly been a disgrace. Microsoft puts out an excellent product and it has been good for the American public by standardizing software with Windows. Where would we be without such a user-friendly interface? Back at DOS or Basic, trying to communicate with the computer at various prompts and having to learn the language of the operating system in order to do so.

The settlement is good for the consumer. The consumer will benefit because Windows installation will not be mandatory on most computers and both computer makers and users will be allowed to reconfigure Windows as they see fit. Microsoft will accordingly reformat Windows so that it will support software alternatives.

I am upset that Microsoft's competitors wish to continue the suit against the Microsoft Corporation. This has gone on far too long already. It is time to settle. I urge you to support the agreement reached last November.

Sincerely,
Bill Hopfer

MTC–00027638

From: Nelligan, Michael P
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:20am
Subject: Microsoft Settlement

There are many problems with the proposed settlement. As a user of several ''open source'' I would like to address two major ones.

First the required API sharing limits those to whom Microsoft would have to make API specifications available in such a way that many open source projects could be excluded. Further it allows Microsoft to place limits on how such specifications may be used or distributed. In order to be more fair Microsoft should be required to make ALL APIs publicly available so that all software producers (large or small, profitable or not) could benefit and continue to work on developing competitive products.

Second, the settlement makes no mention of file format specifications; for example Word .doc files and Excel .xls files. Microsoft uses its file formats to make it more difficult for competing products to compete by not publishing the format specifications and by changing with most new versions of their software. Because of this projects to create competing software must spend excessive amounts of developer time and effort in figuring out how to be compatible with Microsoft's products. Supporters of Microsoft frequently point to a failure to read and write Microsoft file formats as a reason why competing products are not as good as Microsoft's products. In the trial Microsoft pointed to open source products as potential dangerous competitors for themselves. The judge did not find that such products were competitive but did believe that they could be. To allow Microsoft to use the Final Judgment to limit the ability of open source projects to produce strong compatible by competing projects would defeat the intention of using the judgment to promote competitiveness in the market place.

Thank you for considering these objections.

Michael P. Nelligan Network Systems Analyst for Battelle Memorial Institute,
505 King Ave., Columbus, Ohio, 43201
Resident of Ohio at 60 Euclid Ave., Columbus, OH 43201

MTC–00027639

From: Dale Wiener
To: Microsoft ATR
Date: 1/28/02 8:30am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft

The lawsuit forged against Microsoft by the Department of Justice was uncalled for. Microsoft has been painted in a bad light through this litigation. The only thing Microsoft is guilty of is providing consumers with superior products. The purpose of this letter, however, is to express my support of the settlement.

The settlement came at great cost for Microsoft. Microsoft has agreed to disclose the internal interfaces of its Windows operating network. This is revolutionary in that it allows Microsoft competitors to gain access to interface. Interface disclosure will further allow developers to replace competing software into the Windows'' system.

I believe that these sacrifices are necessary only in that they allow Microsoft to begin concentrating solely on the practice of software design.

Sincerely
Waltraud Wiener

MTC–00027640

From: Morris, Mitchell
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:28am
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in US v. Microsoft. Specifically, I object to section III.J.2.c wherein Microsoft reserves the right to refuse to disclose information to entities which don't meet Microsoft's standards for business viability. Given our American tradition of individual effort and entrepreneurship, I find this claim that a citizen must prove his business viability to Microsoft's satisfaction before being allowed to compete in the marketplace to be most distasteful.

Thank you,
Mitchell Morris

MTC–00027641

From: Frank Biggs
To: Microsoft ATR
Date: 1/28/02 8:33am
Subject: Microsoft Settlement

Based upon reading the decision, I do not believe this adequately addresses the issues of the Microsoft case. It fails to punish past practices that the DOJ proved or to prevent future actions of the same nature by Microsoft. The wording of the decision will allow Microsoft to manipulate the language to its advantage and to continue its activities virtually unabated. With this in mind, the decision should be rejected.

John F Biggs II
12346 Swan Wings Place
Huntersville NC 28078

MTC–00027642

From: stepheni@linc.cis.upenn.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 8:34am
Subject: Microsoft Settlement

Dear Sirs,

I am an academic computer user of some years'' experience. I avoid Microsoft software as much as possible. On occasions when I have used it, I have found it to be unreliable, insecure and prone to viruses. Most of the people I speak to who do use it feel that it is imposed upon them, that they have no real choice, and have submitted with a ''you can't fight city hall'' attitude. This letter is a small attempt at fighting city hall.

In my view the two worst aspects of the Microsoft Corporation's behavior are its bullying tactics and its deliberate subversion of standards such as email and web-page formats. These are difficult practices to legislate specifically against, but they are made possible by the sheer size and power of Microsoft, which is why the original idea breaking up the corporation was a good one. Smaller, competing companies could not commit such abuses as successfully. Although it is difficult to frame rules to outlaw bullying as such, there are several specific instances of it that could be prevented, but are not, in the proposed settlement. One is forcing manufacturers to include a Microsoft operating system with their computers, whether or not the customer wants one. Another is forbidding the use of free software in conjunction with various program components. Both of these are outrageous impositions on the customer, made possible only by Microsoft's monopoly position. In fact the only time I run a Microsoft operating system these days is to do my income taxes. I don't know for certain why no one produces a tax program for, say, Linux, or some other Unix-like operating system. It would be simple enough to do. The tax programs are simple combinations of well-established spreadsheet and browser technologies, and don't depend on the operating system to any serious extent. It

would be quick and cheap to port the tax programs I have used to Linux, and the Linux market, while not comparable in size to the Microsoft one, must be large enough to be profitable for such a small extra outlay of effort. My guess, however, is that the potential profit is not big enough to offset the threat of retaliation by Microsoft. They are big enough that all they need to do is hint at retaliation.

Another general tendency that cannot be prevented outright, but could be better curbed than it is in the proposed settlement, is acting as if Microsoft owned the user's computer. Their software has always made unannounced edits to system files and replaced system components at will. Now they are putting in license provisions that have the effect of requiring the user to get their permission to upgrade his/her own hardware. Surely it must be possible to force them to give the buyer of software the right to use it as he/she sees fit, within the general framework of the law.

Although these are not the only shortcomings of the proposed settlement, they are the ones that seem most vital to me. I'm sure that others will write to you focussing on different ones.

Yours respectfully,
Stephen Isard

MTC–00027643

From: Bob Gordon
To: Microsoft ATR
Date: 1/28/02 8:36am
Subject: Microsoft Settlement

To whom it may concern:

The current ''settlement'' is a bad one because it does not address the basic issue of Microsoft's monopoly of of desktop operating systems.

MTC–00027644

From: Kevin Krumwiede
To: Microsoft ATR
Date: 1/28/02 8:34am
Subject: Microsoft Settlement

I am a student and independent software developer. Though I am not well-versed in legal matters, I found the provisions of the proposed Microsoft settlement fairly easy to understand. However, as an independent software developer, I believe I have a much better understanding of their implications than the average person.

I do not believe the provisions of the proposed settlement will significantly affect Microsoft's stranglehold on the market, for the reasons I have outlined below. It is important to remember that Microsoft basically invented the industry they dominate. Microsoft's rise to power was contemporary and symbiotic with the invention and widespread adoption of personal computers. Prior to that time, computers were not consumer products. It was largely a hardware market, and software was something that just came with the hardware. Much of the software in use was independently developed and freely distributed. Microsoft cunningly exploited the growing PC market to gain a monopoly on the operating systems and software that runs them.

Today, the only significant threat to Microsoft's monopoly is the same kind of independently-developed, freely-distributed software that existed before it—software developed by people like me. Perhaps as a blacklash against Microsoft's business practices, and spearheaded by the operating system known as Linux, free software has made a significant comeback in limited areas of the market. However, it has been unable to gain a foothold on the desktop—the market for operating systems and applications currently dominated by Windows 98/ME/XP, Microsoft Office, and Internet Explorer— for reasons not sufficiently remedied by the proposed settlement.

The settlement wisely recognizes the ubiquity of Microsoft's proprietary APIs and protocols and the necessity of making them available to developers who can't compete without them and often can't (legally) reverse-engineer them (sections III.D and III.E). Conspicuously lacking is a similar provision concerning proprietary file formats, which are crucual to any interoperability with Microsoft's Office products. To its credit, the settlement also prohibits many of the anti-competitive practices that Microsoft has used to maintain its monopoly.

But here is the key shortcoming of the proposed settlement: none of its provisions benefit Microsoft's real competition, the free software developers. We are not officially-recognized ISV's, IHV's, IAP's, ICP's, or OEM's; we are a loose-knit organization of individuals around the world, working on countless independent projects in our free time and with no expectation of monetary retribution. Few of us would ever ''[have] a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' (section III.J.2(b)) or ''[meet] reasonable, objective standards established by Microsoft for certifying the authenticity and viability'' of our development efforts (section III.J.2(c)).

Few of us would meet the ''reasonable and non-discriminatory'' terms of the provisions (particularly section III.I.1) and thus would not benefit from sections III.D and III.E. Likewise, few of us can afford to ''submit, at [our] own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification'' (section III.J.2.(d)). The solution, as I see it, is to require that Microsoft publish the specifications of its proprietary APIs, protocols, and file formats, making them available not just to qualifying competitors, but to all competitors. This would ensure interoperability of all independently-developed software with Microsoft's products, eliminating the single greatest obstacle Microsoft has employed to keep upstart competitors out of the market.

Thank you for considering my comments.
Kevin J. Krumwiede
1807 Woodlands Drive
Smyrna, GA 30080
(770) 431–8185

MTC–00027645

From: Ty van den Akker
To: Microsoft ATR
Date: 1/28/02 8:37am
Subject: Microsoft Settlement

I am vehemently OPPOSED to the proposed settlement on the grounds that the settlement is too narrowly defined to be of any lasting effect in the dynamic software industry.

Ty van den Akker
Arlington, MA 02474
Ty van den Akker
nakker@oculustech.com
(617) 426–4277 x311
Oculus Technologies Corp.
http://www.oculustech.com
Boston, MA

MTC–00027646

From: Edward Remmers
To: Microsoft ATR
Date: 1/28/02 8:38am
Subject: Microsoft Settlement

Dear Attorney-General Ashcroft:

I am writing to endorse the proposed Microsoft Settelement. I think that it is fair, but very onerous. Unfortunately, there are critics who wish to impose a ''success tax'' on Microsoft. In my opinion, this is very unfair. These critics wish to dismantle the free enterprise system in the U.S. Unfortunately, critics of Microsoft sound like ''cry babies.'' Instead of crying, they should work at out-performing Microsoft. I strongly urge you not to respond to the ''cry babies.'' Many states have accepted the proposed settlement as fair.

Please have the DOJ accept the proposed settlement. Only the trial lawyers will benefit financially from this case. Please place the interest of our country above the interests of the ''cry babies'' and trial lawyers trying to line their pockets.

Edward G. Remmers

MTC–00027647

From: Anthony Cullen
To: Microsoft ATR
Date: 1/28/02 8:38am
Subject: Microsoft Settlement

This is a raw deal for consumers and does very little, practically speaking, to redress the harm done to consumers or to prevent further harm in the future.

Anthony P Cullen
S/390 Technology and Architecture Division
Alliance Custom Microprocessor Design
D/zdza ms p/312 914–435–4758

MTC–00027648

From: BRIDGE4404@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/28/02 8:36am
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,
BETTY RIDGE
10549 54 AVENUE NORTH
ST PETERSBURG, FL 33708

MTC–00027649

From: Charles Boncelet
To: Microsoft ATR
Date: 1/28/02 8:37am
Subject: Microsoft settlement

I am a Professor of Electrical & Computer Engineering, with a joint appointment in Computer & Information Sciences at the University of Delaware. I have published widely in these areas for 20 years. In my opinion, the proposed settlement does nothing to curb Microsoft's excesses. Over the years, Microsoft has used (and abused) its monopoly position to stifle innovation and eliminate the competition in many ways.

I suggest Microsoft be split into two companies, one responsible for operating systems (e.g., Windows) and one for applications, e.g., Office. Failing that, the government should insist on at least three things:

1. The file formats used by applications such as Office should be made open the public. This would allow other, generally much smaller, companies to produce products that interoperate with Microsoft's. (What Microsoft did to the the office productivity software producers far exceeded in its venality what they did to Netscape in the browser wars.)

2. Any networking standards used in Microsoft products should be open and public. Again, this would allow other products to interoperate with Microsoft's. This is crucial in a modern, networked computer world.

3. Disallow any contracts between Microsoft and computer vendors that restrict the ability of the computer vendors to supply alternative software and operating systems on their computers. Computer vendors should be allowed without penalty to produce machines that run linux, BEOS, MAC OS, etc without interference from or tithing due to Microsoft. Microsoft has been a cancer on the industry. Please do not allow them to continue.

Sincerely,
Charles Boncelet
(work) 302–831–8008
Dept. of Electrical & Computer Engineering
(fax) 302–831–4316
University of Delaware, Newark DE 19716
http://www.eecis.udel.edu/boncelet/
Email: please use boncelet@udel.edu, boncelet@ece.udel.edu, or
boncelet@mail.eecis.udel.edu. Other addresses are unreliable.
CC:boncelet@udel.edu@inetgw

MTC–00027650

From: Kukla, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:36am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. The information contained in this e-mail including any attachments may constitute Corvis Corporation Proprietary Information that is subject to Non-Disclosure Agreement and cannot be disclosed to any other party without the express consent of Corvis Corporation. If you are neither the intended recipient of this e-mail nor responsible for delivering this e-mail to the intended recipient, note that any dissemination, distribution, copying, or retention of this e-mail is prohibited.

If you believe you have received this e-mail in error, we request that you notify the sender by return e-mail and then delete this e-mail and any return e-mail immediately.

MTC–00027651

From: Kalisvaart, Adri
To: Microsoft ATR
Date: 1/28/02 8:40am
Subject: Microsoft Settlement
Lincoln RI, January 27, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
e-mail: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Dear Mrs. Hesse,

I am an immigrant from Germany and I remember how my parents became accomplices in the crimes committed by their government by virtue of being Germans. That is the reason why I must register my opposition to the injustice done to Microsoft by the Justice Department. My reasons are best expressed in a letter of mine in the 12/6/99 issue of TIME. Therefore, I am sending you the unedited version of that letter.

Dear Time Editor:

Lynching is alive and well in America. No, not in some backward corner of these United States. This time the lynching takes place in Time [November 15, 1999 Busting Bill] and on CNN for the whole world to watch. This time the Justice Department of the United States of America is proudly committing this heinous crime.

Who is being lynched? No, not some unfortunate person for having the wrong skin color. This time the victim is a productive genius and creator of wealth for himself, for me and for countless millions around the globe. It is Bill Gates.

Yes, there is a criminal in the case of US versus MS, but it is not Microsoft. I resent it very much that I am an accomplice to this crime by virtue of being an American. What is most appalling in this case is the victim's inability to defend himself. Bill Gates should have demanded that the Justice Department cease violating his inalienable rights—namely, his right to his life, his liberty and his property. By failing to do so, Bill Gates has become an accomplice in his lynching.

Sincerely, Adri Kalisvaart
5 Wake Robin Road # 2004
Lincoln RI 02865–5220
Home Tel: (401) 333 6303
Office Tel: (508) 236 1021
e-mail: a.kalisvaart@ieee.org

MTC–00027652

From: Timothy McGinnis
To: Microsoft ATR
Date: 1/28/02 8:42am
Subject: Microsoft Settlement
See attached
Timothy S. McGinnis
MTC–00027652 0001
1929 Pendelton Drive
Raleigh NC 27614
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As you know, Microsoft has been undergoing a three-year lawsuit by the US government and I'm using this opportunity to voice the opinion of the average American consumer.

I am an IT professional and use the products of many vendors including Microsoft's. My colleagues and I have stated many times that Microsoft has been the main contributor to the success and growth of the industry. This lawsuit has given an unfair advantage to other software providers who seem to be capitalizing on this misfortune. What we need to do is move this case out of Federal Court once and for all and stop wasting the time and money of American people. Microsoft should not have to be spending its budget on legal matters, instead, investing it on creating new more efficient software to bring our world further into the technological evolution that we've headed in. Microsoft has played a phenomenal role in the success of our country's economy, both locally and globally, and for the good of all consumers, seeing Microsoft free from litigation will help boost this recession we're in out the door.

The settlement should be embraced to make supporters and competitors satisfied with the procession of production in the IT industry and the competitive market. The settlement will ensure the compliance of Microsoft's actions as pro-competitive. Let our country move on from this lawsuit and get on with more serious issues plaguing our nation. I thank you for your attention and ongoing support for the American consumers.

Sincerely,
Timothy McGinnis

MTC–00027653

From: Mark Gryska
To: Microsoft ATR
Date: 1/28/02 8:41am
Subject: Microsoft Settlement

Dear Sir(s) Madam(s),

I find the proposed settlement of the Microsoft case unsatisfactory. As a computer professional for more than 15 years I have watched Microsoft grow from a small company to a very large company. In that time I have been dismayed by the business practices of the company which I feel have stifled technical innovation by means of broken standards and aggressive actions towards its competitors. As a consumer and user of Netscape Navigator I feel that I have been harmed by the tactics by which Microsoft sought to make Internet Explorer the number one browser.

I see further signs that the company is making in roads in 3D gaming and stands to

follow much the same pattern as it has in the past. I believe that the company should be broken up into at least 3 seperate entities and face heavy fines.

Sincerely,
Mark Gryska

MTC–00027654

From: Lea Blanton
To: Microsoft ATR
Date: 1/28/02 8:45am
Subject: Microsoft Settlement
January 28, 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 Microsoft and the settlement that was reached in November. Microsoft has pledged to carry out all provisions of this agreement and create more opportunities for competing companies. Under this agreement, Microsoft must license its Windows operating system products to the 20 largest computer makers. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. The settlement contains many guidelines that Microsoft has fully agreed to uphold.

I see no reason to continue costly and expensive litigation that drives down stock prices and contributes additional uncertainty to individual and organizational purchasing plans in an already uncertain economy. This settlement will serve in the best public interest. Please support the November settlement.

Thank you.

Sincerely,
Lea M. Blanton
611 Westridge Drive
Burlington, NC 27215

MTC–00027655

From: Manohar Hora
To: Microsoft ATR
Date: 1/28/02 8:46am
Subject: Microsoft Settlement

Sir:

It is very unfortunate that in spite of all the advances that have happened in the Tech Industry, you are after Micro soft that is responsible for the advances. why don't you waste public money on some thing worthwhile. History will tell that the Justice Dept. was responsible for the down fall of US Computer Industry. This is business. Let every one struggle without any help from the Govt.

One concerned citizen

MTC–00027656

From: dkitts
To: Microsoft ATR
Date: 1/28/02 8:46am
Subject: Microsoft Settlement

'Will you PLEASE leave Microsoft alone and end this case now. As an IT professional, I see many of my peers in jeopardy of layoff or already looking for jobs due to the slowing of companies application development cycles. Much of this has to do with the economy, but when times are tough economically, companies stop spending on ''risky'' investments. The turmoil surrounding the Microsoft case has made companies put many projects on hold due to anxiety on the base operating systems to run the applications on. The anti-trust case is helping to keep that up! I believe that a quick settlement will help bolster the economy, help the .com industry back on it's feet and will be the best thing for the United States.

I also believe that Microsoft has had a historically better record of keeping the consumer and businesses best welfare in mind than most other vendors. BEFORE MS, companies like Apple charged OUTRAGEOUS amounts of money for their software, particularly operating systems. Now, you can buy sophisticated operating systems like Windows 2000 Professional for under $400!!!!

I also thoroughly believe that Microsoft came to market years ago with better, more consumer friendly products than Netscape and AOL and therefore deserved to win the market share they have. When a truly better product IS available, I'm sure the IT industry will flock to it. Look at the interest in Linux! It is mainly a warmed up version of the venerable UNIX operating system, but they have sold TONS of copies just out of curiosity of the IT industry. If Linux ever is proven to be better, it will flood the IT landscape in months...but, at this point, it is simply not technically better or more efficient. (By the way, IT professionals will argue UNIX vs. Windows vs. whatever forever, much like teenage boys will argue over which was faster, Pontiac or Ford)

As far as Netscape goes, a few years ago I attended a Netscape Professional Developers Conference (sponsored by Netscape). At that point in time they pretty much stated on an emotional, not logical, level that they hated MS. They didn't even want to build a Web server to run on a Microsoft platform!!! I believe that Netscape (AOL) will whine forever about Microsoft and will always be trying to manipulate the courts, the DOJ or whoever they can to try to ''compete'' with Microsoft. This is not because the are not allowed to compete in the market place, it is because they just simply cannot produce anything better than equivalent products. Please stop wasting my tax money on Microsoft...I'd much rather pay for the War on Terrorism. Even if the amount of money spent on the Microsoft Anti

Trust case only equates to one day of expense for the War on Terrorism, I'd MUCH rather spend the money on day hunting for bin Laden, than years hunting Bill Gates.

Just my humble opinions,
D. Frank Kitts
dkitts@yahoo.com

MTC–00027657

From: Srivastava, Samir
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:49am
Subject: Microsoft Settlement

Dear Madam/sir,

Please note my wish as a citzen of the United States of America to disagree with the settlement as offered by the Justice Department to resolve the Microsoft monopoly case.

As I understand it, the goal of the Justice department should be to ensure that a fair and just solution be implemented in the interest of the American Public, as well as sufficient punishment for the wrong doing engaged in by Microsoft. I believe the current soultion offered fails on both counts listed above. Microsoft has been found to be a monopoly (this in itself is OK) in operating systems, but they have been found to use this power to inhibit competition and gain market share in other areas such as browsers and Office productivity software. This behavior was rightly found to be illegal. Sufficient punishment demands that they be prevented from engaging in this kind of practice ever again.

Under the current proposal, Microsoft would get lots of legal ''wiggle room'' to comply with the letter of the law but not the intent of the law. Since Microsoft has previously proven to be very good at avoiding complience (the original consent decree from the 1980's), one can assume without a doubt that Microsoft will again play these games. So, the punishment part of the proposal must be designed so that Microsoft will not have anything to gain by playing legal games. It should be a very large cash fine, as this is the only way to get the attention of high paid executives that consider themselves above the law.

Secondly, for a fair and just solution for the American public, the Justice department should rule that Microsoft has to publish all the data formats for its data files. This should not be a burden to Microsoft. These data formats are important because one has to have knowledge about the formats to read the data. As it stands, Microsoft does not share this data with the industry and prevents other companies from being able to read its data formats, such as MS Word files for example.

There is no reason that MS Word files from one user need to be read only by another MS Word user, except for the fact that it is difficult and time consuming to decode by anyone else without information from Microsoft. This is analagous to AT&T only being able to call other AT&T customers or phones. But this is not the case, in fact, in the telecommunications industry the signalling standards (or data format) for a call are well known public information.

This means that if I want to phone home to the USA from Switzerland, all I need to do is call my number in the USA. Because the signalling standards are known by everyone, the Swisscom phone switch can convert my request such that is easily decoded by the AT&T phone switch. With this well known or open data format, the public is well served. Notice that there is no affect to the intellectual property of AT&T or Swisscom. The public does not know or care how the phone switches work as this is not published, but only that the data formats are known so the systems can interoperate.

I believe that the same model should be applied to the Microsoft case. I don't care what they put into windows, but when they take the data formats for the Internet browser, MS Office suites and a host of other programs and refuse to share the formats publicly, the public will have no choice but to use only Microsoft software to be able to decode them. Notice that even on the Mac platform, one

must use MS Office programs to be able to read a Word document sent by someone else.

I sincerely hope that you will read my proposal and implement a tough but fair solution in the Microsoft case. Please make sure that the American people win in the name of justice, fairness and innovation for the sake of a free world.

Thank you for giving the American public a chance to comment on this issue.

Thank You and regards,
Samir Srivastava
Core Network Engineer
COLT Telecom AG
Badenerstrasse 820
CH–8048 Zrich
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f: +41 1 5 600 910
e: mailto:samir.srivastava@colt.ch
www.colt.ch
we make business straight.forward

MTC–00027658

From: Chris Hanson
To: Microsoft ATR
Date: 1/28/02 8:51am
Subject: Microsoft Settlement

I am President of a small software and consulting company named bDistributed.com, Inc., located in the Chicago area. (Web site and contact information below.) As President of a company that develops software primarily for the Apple Macintosh and Sun's Java technology, I strongly believe that the Microsoft antitrust settlement does not go far enough to I don't think any behavioral remedy will work on Microsoft. They have an established pattern of behavior of ignoring behavior remedies, disobeying court orders, lying to federal judges, and so on. The only remedy that will work and restore competition to the marketplace is structural: The company needs to be broken up and there needs to be heavy government oversight not only of the resulting ''Nanosofts'', but of the interactions between them and the rest of the market.

Here's my recipe for a workable breakup: Nanosoft 1 does only operating systems (both workstation and server). Nanosoft 2 does does only workstation applications, including Office, the Outlook client, the Messenger client, the NetMeeting client, and so on. Nanosoft 3 does only server applications, including SQL Server, the Outlook server, the Messenger server, the NetMeeting server, etc. Nanosoft 4 is the content company (MSN).

The workstation and server application companies would only be allowed to communicate through open, publicly-documented protocols. In other words, other companies could write fully-functional Microsoft Exchange clients that compete with Microsoft Outlook without reverse-engineering. And so on. Also, I believe that Microsoft needs to be compelled to support the competitors they harmed for a certain period. Microsoft should be required to do the following:

(1) Bundle AOL Time Warner's Netscape web browser with the Windows operating system for a period of 5 years, and work with all interested external developers to make it possible to fully replace Internet Explorer as the default browser (including in places like the help system).

(2) Bundle Apple's QuickTime multimedia technology with the Windows operating system, and make it possible to use it instead of Windows Media Player for all multimedia access and playback on the system. Microsoft is currently attempting to use its monopoly power in operating systems software to extend its monopoly in multimedia playback—AFTER BEING RULED A MONOPOLY—and this action is necessary to counter that attempt.

(3) Continue to support, promote, and keep up-to-date Microsoft Office on the Apple Macintosh for a period of 5 years, and expand their support to include up-to-date Macintosh versions of the Microsoft Outlook email and scheduling application (or add 100%-compatible functionality to the Microsoft Entourage for Macintosh email and scheduling application), the Microsoft Access database, and the Microsoft Project project management application.

(4) Publish all specifications for all native data formats and protocols of all Microsoft applications under a royalty-free and non-discriminatory license, IN PERPETUITY, allowing developers to create applications both for Windows and for other platforms that compete directly with Microsoft applications with a reasonable guarantee of 100% compatibility.

I believe the steps above are necessary to restore healthy competition to the computer software marketplace. Even without a structural remedy, the above steps would go a long way; with a structural remedy, the above steps would ensure non-Microsoft software developers are on a more level playing field than the current settlement proposal allows. And without at least (2) through (4) above, Microsoft is effectively unrestrained from eliminating its remaining competition. We cannot let this happen if the software industry is to remain a vital and growing sector of the worldwide economy, because without the return of true competition it will stagnate.

—Chris
Christopher M. Hanson, President
Email: cmh@bDistributed.com
bDistributed.com, Inc.
Phone: +1–847–372–3955
Making Business Distributed
Fax: +1–847–589–3738
http://bdistributed.com/
Personal Email: cmh@mac.com

MTC–00027659

From: Sean Chisek
To: Microsoft ATR,Ron Steward
Date: 1/28/02 8:58am
Subject: Microsoft Settlement

The propoesed settlement is bad for consumers and useless as far as breaking the Microsoft monopoly.

Sean Chisek

MTC–00027660

From: Victor Laties
To: Microsoft ATR
Date: 1/28/02 8:57am
Subject: Microsoft Settlement

Please continue the court action against that predatory company Microsoft. Don't be influenced by the intense lobbying effort on the part of that company. Netscape was the originator and the most innovative outfit to work in this area. Microsoft acted as a bully and is certainly in a monopy position right now. Nothing in the proposed settlement will serve the public influence.

Victor Laties

MTC–00027661

From: Chris Hanson
To: Microsoft ATR
Date: 1/28/02 8:59am
Subject: Microsoft Settlement

(This is an amended version of a message I sent accidentally. One item, (5) below, was added to a list of suggested remedies.) I am President of a small software and consulting company named bDistributed.com, Inc., located in the Chicago area. (Web site and contact information below.) As President of a company that develops software primarily for the Apple Macintosh and Sun's Java technology, I strongly believe that the Microsoft antitrust settlement does not go far enough to I don't think any behavioral remedy will work on Microsoft. They have an established pattern of behavior of ignoring behavior remedies, disobeying court orders, lying to federal judges, and so on. The only remedy that will work and restore competition to the marketplace is structural: The company needs to be broken up and there needs to be heavy government oversight not only of the resulting ''Nanosofts'', but of the interactions between them and the rest of the market. Here's my recipe for a workable breakup: Nanosoft 1 does only operating systems (both workstation and server). Nanosoft 2 does does only workstation applications, including Office, the Outlook client, the Messenger client, the NetMeeting client, and so on. Nanosoft 3 does only server applications, including SQL Server, the Outlook server, the Messenger server, the NetMeeting server, etc. Nanosoft 4 is the content company (MSN).

The workstation and server application companies would only be allowed to communicate through open, publicly-documented protocols. In other words, other companies could write fully-functional Microsoft Exchange clients that compete with Microsoft Outlook without reverse-engineering. And so on.

Also, I believe that Microsoft needs to be compelled to support the competitors they harmed for a certain period. Microsoft should be required to do the following:

(1) Bundle AOL Time Warner's Netscape web browser with the Windows operating system for a period of 5 years, and work with all interested external developers to make it possible to fully replace Internet Explorer as the default browser (including in places like the help system).

(2) Bundle Apple's QuickTime multimedia technology with the Windows operating system, and make it possible to use it instead of Windows Media Player for all multimedia access and playback on the system. Microsoft is currently attempting to use its monopoly power in operating systems software to extend its monopoly in multimedia playback—AFTER BEING RULED A MONOPOLY—and this action is necessary to counter that attempt.

(3) Continue to support, promote, and keep up-to-date Microsoft Office on the Apple

Macintosh for a period of 5 years, and expand their support to include up-to-date Macintosh versions of the Microsoft Outlook email and scheduling application (or add 100%-compatible functionality to the Microsoft Entourage for Macintosh email and scheduling application), the Microsoft Access database, and the Microsoft Project project management application.

(4) Publish all specifications for all native data formats and protocols of all Microsoft applications under a royalty-free and non-discriminatory license, IN PERPETUITY, allowing developers to create applications both for Windows and for other platforms that compete directly with Microsoft applications with a reasonable guarantee of 100% compatibility.

(5) Include the latest version of Sun's Java Virtual Machine with the Windows operating system for a period of 5 years, and ensure it works properly ''out of the box.'' Java provides developers with the ability to easily create rich software applications that work well both on Windows and on other operating systems like Apple's Mac OS X and the Linux operating system. By including good support for Java with Windows, developer risk in writing for Java would be greatly reduced. I believe the steps above are necessary to restore healthy competition to the computer software marketplace. Even without a structural remedy, the above steps would go a long way; with a structural remedy, the above steps would ensure non-Microsoft software developers are on a more level playing field than the current settlement proposal allows. And without at least (2) through (5) above, Microsoft is effectively unrestrained from eliminating its remaining competition. We cannot let this happen if the software industry is to remain a vital and growing sector of the worldwide economy, because without the return of true competition it will stagnate.

Chris
Chris Hanson
Email: cmh@bDistributed.com
bDistributed.com, Inc.
Phone: +1–847–372–3955
Making Business Distributed
Fax: +1–847–589–3738
http://bdistributed.com/
Personal Email: cmh@mac.com

MTC–00027662

From: Paul Lewis
To: Microsoft ATR
Date: 1/28/02 8:59am
Subject: Microsoft Settlement

Microsoft has twice been found guilty of serious violations of the Sherman Antitrust Act, by a federal District Court and by the United States Court of Appeals. Any settlement of this case with the US Justice Department must not allow Microsoft to continue its monopoly practices. To do so would seriously dampen software innovation in the United States and threaten our global economic competitiveness.

Paul H. Lewis
Government Documents Librarian
USC Aiken Library
Aiken, SC 29801
http://library.usca.sc.edu
803–641–3320

MTC–00027663

From: Ed Lorenzen
To: Microsoft ATR
Date: 1/28/02 8:54am
Subject: ''antitrust''

I use many Microsoft programs on my computer, and also many from other manufacturers. I resent this attempt by unsuccessful competitors to interfere with my selection of software. If their products are any good they would not resort to the under-handed tactics that they are using here. Please drop this unfair suit. I do not believe that the Department of Justice, or any court, is competent to determine how I will use my computer, and I resent this effort to control my personal property and actions.

Microsoft has a fundamental right to its property, and the government's job is to protect this right, not take it away. Control of any business by the government is obscene, and has been repeatedly shown to be a failure, not in the public interest.

Brar E Lorenzen
Prescott Valley, AZ
CC:activism@moraldefense.com@inetgw

MTC–00027664

From: Ledoux, David C
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:00am
Subject: Microsoft Settlement

Dear Sir,

I am firmly OPPOSED to your proposed settlement of the Microsoft anti-trust case. The settlement is far too weak and will not prevent Microsoft from continuing to leverage their ever-growing monopoly until they control ALL of the computing industry and all of the Internet. I am sickened that my government would allow that to happen. Microsoft has been found by the courts to be a MONOPOLY, which they built by engaging in illegal and immoral business practices, and they must be broken up and/or prevented from using that monopoly to further harm the free market system on which our nation depends for its prosperity.

Microsoft has, in the past, wriggled out of consent decrees, and there is no reason to think that they will not be able to work around this extremely weak settlement. A 3-member oversight committee (with one member from Microsoft!) is worthless to enforce this, as well. For this settlement to be anything other than a slap on the wrist, Microsoft must be forced to publish ALL of their APIs, and be forbidden from any and all anti-competitive licensing practices, just for a start. Their contracts with OEMs must be published and monitored by the courts to prevent such things as their dual-boot restriction, which the current settlement does not even address!

Finally, there should be language in the settlement by which Microsoft will be forced to publish ALL of the Windows source code if they do not comply 100% with the spirit and letter of the settlement.

Thank you for allowing me to comment on this.

Sincerely,
David C. LeDoux
Reston, VA

MTC–00027665

From: James E. Leinweber
To: Microsoft ATR
Date: 1/28/02 9:01 am
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement in the Microsoft Antitrust case as entirely inadequate and counterproductive, and not in the public interest.

The likely effect of adopting it would be an maintenance of Microsofts current OS, Office suite, and Web browser monopolies, and their extension into new areas. This would give rise to the need for yet a third antitrust case a few years from now. I entirely agree with the criticisms and comments in the ''open letter'' submitted by Dan Kegel under the Tunney act (see <http://www.kegel.com/remedy/letter.html>, though I am submitting my own additional comments rather than co-signing his.

I have worked in the computer industry for 30 years, including 20 years experience with Unix systems and intensive deployment of Microsoft products since 1993. Though I have no legal training, I have followed the Antitrust case with interest, and have read the Findings of Fact, the Conclusions of Law, the appeals court ruling, and the proposed settlement. I found the facts entirely accurate, the conclusions persuasive. The appeals court ruling was slightly dissappointing, while the proposed settlement appalls me. and Microsoft's tactic with their first antitrust case, resulting in the consent decree, was to obey the letter of the agreement while completely violating its spirit. That is what led to the current antitrust case. The proposed settlement basically has Microsoft promising not to repeat several of the ploys which entrenched their current monopolies, while doing nothing to reduce those monopolies, and blatantly inviting them to extend their monopolies into new areas.

Tactics Microsoft has used, which have affected me, and which are not addressed by the settlement include:

* Deliberately introducing new API's and abandoning support for old ones, in order to provide a ''moving target'' too costly for competitors to be compatible with. This imposes extra costs on my organization to convert our own applications to work later versions of Microsofts own software. This has been particularly noticable in the mutation of the Visual Basic interface to Microsoft Office.

* Similarly, use of new secret file formats in their office suite to prevent compatibility with competing products, even their own. When Office-97 was first introduced, it was incapable of writing Office-95 format documents. This tactic forced people to upgrade to new versions in order to be able to read documents from early adopters. My organization had to abandon the use of Wordperfect, which we prefered as a word processor, due to the difficulty of exchanging documents with organizations using Microsoft Word. Similarly, their ''embrace, extend, extinguish'' approach to Internet protocols. This tactic, of designing proprietary additions to widely used protocols is designed to capture control of technologies, which can in turn be used to extend their monopolies and further increase the application barrier to entry as cited in the findings of fact. It was quite notable with their implementation of Java—which they

lost a court case over. A more recent example is their introduction of proprietary extensions to Kerberos authentication protocols in Windows-2000. Existing Kerberos clients can authenticate with Microsoft servers, but Microsoft clients cannot usefully authenticate with non-Microsoft servers. They are currently extending this into their Passport service, in an apparent attempt to create a new monopoly in Internet authentication services. These abuses of their monopoly power to pervert interoperability has forced my organization to deploy more Microsoft servers than we would otherwise wish to.

* Gratuitous incompatibilities with competing products. Note that Microsoft lost a private antitrust case with Caldera over this MTC–00027665—0002 involving Windows 3.1 and DR-DOS, though the terms of their out of court settlement are secret. In another example, when Microsoft introduced windows NT 4.0, they removed support for the IBM OS/2 ''HPFS'' filesystem, though the windows NT 3.51 drivers operated perfectly well under windows NT 4.0. Microsoft utilities deliberately reported HPFS file systems as ''damaged'', when they were not. The continuation of this and similar tactics forced my organization to stop using os/2 in any significant way.

A particularly blatant and egregious example of this was during 2001, when—while waiting for the appeals court to finish its antitrust ruling!—Microsoft (1) removed Sun-compatible Java from windows-XP (2) broke compability of Netscape browser plugins with Internet Explorer 5.5 via service pack 2, without even the excuse of a new browser internal architecture (3) broke compatibility with Apple Quicktime multimedia, which competes with Windows Media player. If that is their behavior while under court scrutiny, one can scarely imagine what they might do after the settlement.

* raised prices on older OS's which had competition, such as DOS and Windows 3.1, above the price of newer OS's which did not yet have competition, such as Windows-95. In a competitive market they would not have been able to do that, and this abuse of their monopoly position was a deliberate tactic to rapidly move the installed base of systems toward an increased application barrier of entry. This contributed significantly to the extension of their OS monopoly into the office suite arena. It raised the cost of deploying PC's in my organization, as we opted not to deploy windows-95 to any significant degree.

Having destroyed most of the commercial competition already, the next big threat to their monopoly position may be from open source projects such as Linux. The proposed settlement creates several new possible obstacles to the prospect of open source competition, as described in Dan Kegel's letter. The loophole that security-related protocols do not have to be disclosed is particularly glaring.

This secrecy is a bad security practice—ask anyone at the National Institute of Standards and Technology who was involved the exemplary and open development of the Advanced Encryption Standard (AES or Rijndael) currently replacing the obsolete 1970's Data Encryption Standard (DES). In addition to being a bad security practice by a vendor whose monopoly position in the industry makes their security weaknesses a matter of national security interest, it is anticompetitive. Ask anyone on the team of the ''Samba'' project which tries to provide file sharing and printing services on Unix systems compatible with Microsoft file and print sharing about the difficulties which Microsoft's changes in unpublished security protocols have created.

* Deliberately dropping support for older software to force users to upgrade to newer software. For example, Microsoft is no longer providing security fixes for Internet Explorer 4.0, in the hope of forcing users onto later versions which are more incompatible with their competitors. This summer they will stop providing fixes for NT 4.0. My organization is still running IE 4.0 on NT 4.0, but we will be forced to upgrade this year by this tactic. Furthermore, Microsoft next ploy seems to be attempting to use the Digital Millenium Copyright Act, the antitrust settlement itself, and the California pricing case to extend its monopolies further and prevent competition from open source projects. Accordingly, I suggest that the proposed settlement be significant extended to include measures such as:

a) Microsoft has to publish all API's and file formats in their final form 6 months before any product using them is first sold.

b) All contract terms have to be published, and they may not sign exclusive contracts with one vendor whose terms are not available to other vendors.

c) depositions and settlement details from other antitrust cases may not be held secret, in order to allow collaboration between the various victims of their monopoly.

d) Microsoft cannot sue open source projects for infringement of patents or trade secrets. Copyright suits against open source projects would be limited to copying of code or documentation; they could not sue over API's nor programming languages.

e) intellectual property such as patents must be licensed on equal and generous terms to all commercial firms.

f) Microsoft may not sue anyone for violation of patents which affect Internet Standards adopted by the Internet Engineering Task Force (IETF).

g) Microsoft may not raise prices on previous products faster than rate of inflation, nor price new versions below old versions

h) Microsoft must provide security fixes for older versions of products for 7 years from the date of first retail sales.

i) under ongoing court supervision, violation of these terms is punished by fines of 1 million dollars per day per product until the violation is remedied.

I don't know if the antitrust laws permit it, but a fitting response to Microsofts abuse of monopoly power to crush competition and extort excess profits would be to impose a large fine, perhaps as high as 10 billion dollars, and then use it to finance open source projects under a BSD-style license. The results would be equally available for commercial or public use, or even by Microsoft itself. The public and government would benefit from the resulting freely available software, while commercial competitors of Microsoft who bid to provide it would benefit from the revenue, the base of code, and the experience of writing it.

Sincerely,
James E. Leinweber
Information Systems Specialist
Wisconsin State Laboratory of Hygiene
University of Wisconsin
465 Henry Mall
Madison WI 53706

MTC–00027666

From: Jack Reece
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft Settlement

If there has ever been any doubt that AOL does not want a fair and expedient solution to it's legal challenge to Microsoft, then it's latest legal action should remove a ''all'' doubt. The irony of all their actions is that there has never been a ground swell of consumer complaints stating that the consumer has been hurt by Microsoft business practices.

It is obvious that AOL Time Warner is trying to use the courts for it's own competitive purposes. It is also time to challenge whether AOL is monopolistic in it's own business as the largest internet provider. If AOL should in fact buy the Linux operating system, I suppose we will see yet another challenge to Microsoft in the courts. For the sake of the technology industry, the nation's economy, and America's consumers, let's get these issues out of the courts and into the competetive marketplace where they should be.

Jack D. Reece
419 Chesterwoods Court
High Point, NC 27262
336–841–7810

MTC–00027667

From: Carl F. Brechler
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft Settlement

As the Justice Department is in its final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. It is my position that the present proposed settlement be adopted since it offers a reasonable approach to the solution of the suit. It offers a compromise that will enhance the ability of all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable. Furthermore, it offers the potential of additional innovative products to enhance worker productivity.

Sincerely,
Carl F. Brechler
3025 Red Wing Court
Bettendorf, IA 52722

MTC–00027668

From: John Quirk
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft case

Dear Dept. of Justice:I am most concerned about your decision to settle your pending suit with Microsoft. I strongly believe it will

not resolve the problem and may actually create additional problems down the road. With the Enron debacle hanging over our collective heads, this quick fix appears to be another possible blunder on government's part. Do take some time to really think this thing through and get some input from different sectors of the economy.Quite simply put, I am saying no to the Microsoft settlement.

John Quirk
14 Waterview Drive
Saratoga Springs, NY 12866
Telephone 518/ 226–0427

MTC–00027669

From: Satoshi Yajima
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:11am
Subject: Microsoft Settlement

I'm glad to post the comment on Microsoft Settlement.

Thank you.

* Internet Explorer really needed for customers In early 1990s, Microsoft Windows 3.x have ''File-manager'', file-managing utilities, although some of third vendors produced alternatives of File-manager. Because file-managing utilities such as File-manager was essential part of operating systems; customers could not do anthing without it.

The same thing is true to IE, the Microsoft's browser. Now that the Internet is essential to our information society, operating systems couldn't work well without browsers. Microsoft has to develope browsers to make their operating system worth enough for customers

* Micorsoft have no intention to monopolize the market, I think. Now they are promoting ''.NET Platform.'' This platform collaborates other platforms; they will not replace other platforms with their own operating system, Microsoft Windows. .NET Platform makes Microsoft Windows interconnect with other platforms throughout the Internet.

Microsoft should grow up the computer technology with being free from any legal unreasonable restriction.

* Large share of Windows is never a barrier to market's growth. Someone would say Microsoft Windows have large share of the Market and it causes other vendors to develope new operating systems. I would say, it is WRONG.

Developing operating system is, originally, difficult to develop and cost too much. Even though there were many operating systems used now, it would be difficult to develop new OS. Large share of Microsoft Windows have no relations with the fact that other vendors couldn't develop new operating systems. Regards.

Satoshi Yajima (s2-yajima@nri.co.jp)
Tokyo, Japan.

MTC–00027670

From: TMcAdman@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:09am
Subject: Microsoft Settlement

Please get on with the settlement process. There is no reason to prolong an investigation that has already been concluded.

Microsoft is experiencing the same downturn in fortunes as any other software company and will forever be subject to the likes and dislikes of the marketplace without regard to size of company and its market share.

Leave them alone!

Let those with new ideas and processes innovate and create...marketplace advantage is available to anyone offering something better than the competition. And the ultimate judge of something better...the marketplace.

Please, quickly and without fear, rule in favor of settlement.

Thomas L. McEnaney
Owner-Pres.
The Star Alliance
6285 Fieldstone Place
Reno, NV 89523–1204
775–787–0433

MTC–00027671

From: MACKERSIE, DAVID
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:11am
Subject: Microsoft Settlement

Please let the Microsoft settlement stand. I believe it is strongly in the public's best interest.

Microsoft is an important driver for lowering the cost of technology. As a user of Microsoft products for the past 20 years, I have noticed that the company has consistently lowered the cost of technology for every market that it has entered. Just as the industrial revolution lowered the cost of textiles by mass production and economies of scale, so too does Microsoft lower the cost of software by mass production and economies of scale. The complaints against Microsoft are like the complaints of artisans and craftsmen who have been forced out of work. We feel sympathetic for their loss, but we know that economies of scale serve society best.

Best Regards,
David Mackersie
Sr. Principal Software Engineer
PRI Automation

MTC–00027672

From: Ezra Berch
To: Microsoft ATR
Date: 1/28/02 9:11am
Subject: Microsoft Settlement

To Whom it May Concern:

As provided by the Tunney Act, I wish to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe the settlement is not in the public interest and is harmful to consumers. It will allow Microsoft to continue to be an illegal monopoly.

A few years ago, another antitrust case by the government against Microsoft was settled by means of a consent degree. That consent degree did almost nothing. As a result of its ineffectiveness, the current antitrust case was filed. This previous case shows that stronger penalties are needed to curb Microsoft's illegal behavior. The penalties proposed by the Settlement are not even close to being strong enough.

One of the major penalties of the settlement is the limited disclosure of some Windows API's to competing companies. However, this provision, like other parts of the settlement, is full of loopholes. For example, Microsoft need not release this information to groups which do not meet certain criteria as a business (Section 3(J)(2)(c)). However, some of the biggest threats to Microsoft, such as the Linux operating system and the Apache web server, would not be covered by this. Furthermore, Section 3(J)(1) allows Microsoft to not disclose information for security reasons. This loophole allows Microsoft to not disclose some information simply by classifying it as part of a ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication system.''

Finally, there is no real enforcement mechanism included in the settlement. Any company hurt by a major violation of the settlement by Microsoft would have to sue Microsoft if the government does not agree with its claim. Many smaller companies have nowhere near enough resources to sue a big company such as Microsoft. In addition, in the years it takes for the lawsuit and its appeals to be resolved, much damage will already have been done. In summary, I am strongly opposed to the proposed settlement between the

United States and Microsoft.

Sincerely,
Ezra Berch
11713 Stonington Place
Silver Spring, MD 20902

MTC–00027673

From: Rep.Kreuser
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:14am
Subject: Microsoft Settlement

January 28, 2002
Ms. Renata Hesse
Trial Attorney
Department of Justice—Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge your approval of the settlement of the U.S. v. Microsoft case. Microsoft has been a leader in innovative technology and has provided tremendous benefits for consumers. Prompt settlement of this case is in the best interest of consumers, our schools, and of our economy.

Technology can be a very powerful teaching tool. To prepare today's students to be tomorrow's leaders we must take every step to ensure that the technology is available to every student. A settlement such as this could assist less fortunate school districts in obtaining the technology necessary for quality education. Over $30 million in taxpayer money has been spent on this case. It is now time to put this matter behind us and move forward.

Sincerely,

Jim Kreuser, Assistant Assembly Democratic Leader
State Representative
64th Assembly District

MTC–00027674

From: Jim Holron
To: Microsoft ATR
Date: 1/28/02 9:13am
Subject: Microsoft Settlement

The settlement allows Microsoft to strengthen the hardware barrier to entry. Specifically, in section III, paragraph A, section 1, the restriction applies only to middleware. This restriction should also apply to device drivers and applications.

It appears that Microsoft is currently working to keep hardware manufacturers (video card manufacturers, sound card manufacturers, etc) from supporting non-Microsoft operating systems. Unless the settlement is rewritten to stop this behavior, Microsoft will be able to strangle hardware support for non-Microsoft operating systems. Unless all APIs are made public, Microsoft will be able to deliberately sabotage non-Microsoft products. Since all application software depends on the operating system, Microsoft can implement two versions of an API, a secret one that works correctly, and a public one that contains bugs. Indeed, through six weeks of reverse engineering, my employer has found exactly this situation! All APIs should be published and made available to the public, including open source developers who can not abide by non-disclosure agreements or pay royalties (such as The GIMP, and the Apache web server, both of which run on top of Windows).

Microsoft's current monopoly position depends on a complex web of secret standards. By using proprietary, non-published standards, Microsoft traps its customers. All communication and storage standards should be published and freely available to the public. Anyone, including open source developers, should be able to develop products compatible with the De facto standard. Proprietary security standards endanger Internet security and hamper development of new technologies. The entire security community understands that unpublished standards are a security hole waiting to happen. The world's most rigorous security standards are published and scrutinized by security experts throughout the world. If a security hole exists, public scrutiny will discover it before a malicious intruder can exploit it.

If Microsoft security standards remain secret, malicious intruders will reverse engineer the code, find the security holes, and exploit them before Microsoft can discover and fix the holes. This reality has played out over the past several years as worms and virii plagued the Internet. Microsoft should not only publish all security standards, they should publish the standards a full year before deploying them, thus giving the public time to discover security holes before they can be exploited.

Microsoft recently proclaimed that they will focus on ''trustworthy computing''. In response to this notice, some of the world's leading computer security experts have outlined policies that Microsoft should take to improve security. One of those recommendations was to publish all security standards before deploying them. This settlement specifically allows Microsoft to flaunt that expert advice in an apparent misunderstanding of computer security.

Over the past several years, Microsoft has used its monopoly position to crush competing products. They essentially wiped out OS/2 and BeOS (both competing operating systems), Lotus Office Suite (still exists, but nobody wants it because it doesn't support Microsoft Office documents), and HP OpenMail (which threatened Microsoft's customer lock-in strategy).

To counter Microsoft monopolistic practices, the industry has responded by developing open source software. Open source software is developed by volunteers throughout the world. All of the source code is available to anybody who wants it. People may freely contribute to the code, and freely distribute the code. The open source community has become Microsoft's new prime target for destruction. Since open source software is not controlled by any one company, Microsoft can not buy it or drive it into bankruptcy.

In a leaked memo (which Microsoft admits to writing), Microsoft outlines their plans to attack the open source community. Their plan is to take existing open standards, make trivial modifications so that they are no longer compatible, and deploy those modified standards.

Furthermore, Microsoft plans to patent their changes so that no one can develop a compatible product. This settlement makes provisions for for-profit closed source companies to access Microsoft's proprietary standards, and to license the necessary patents to implement those standards. If this settlement goes forward, it will not only be difficult, but also illegal for open source developers to create software which can inter operate with the De facto standard. The open source community has made tremendous contributions to society. Their work is valued in the billions of dollars. Dozens of companies in the United States alone, base their business on developing open source software. This settlement will allow Microsoft to crush those companies, and hinder development of future open source projects.

Any adequate settlement will guarantee that any software, including open source software, will be able to inter operate with Microsoft software.

MTC–00027675

From: aprice@howmet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:14am
Subject: Microsoft Antitrust Solution

I disagree with the proposed solution to Microsoft's antitrust case.

Allen R. PRice
219 S. Livingston
Whitehall, MI 49461

MTC–00027676

From: Harms, Marilyn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:14am
Subject: Microsoft Settlement

I do not see how breaking up a company, that does great work, will help anyone. I believe good competition is the answer and that only makes the playing field level for all players.

I think if the company could make it's products more interchangeable with other computers, they would still come out the winners, but let the other companies attempt to compete on the same playing field.

We need more competition, not laws to limit peoples initiatives and work and excel in their particular field. How would we be where we are without this great incentive to be the best.

Marilyn Harms, B.S., PA-C
Clinical Coordinator
USDSM PA Studies Program
Vermillion, SD 57069
605–677–6568
Fax 605–677–6569

MTC–00027677

From: carolyn.davidson@wachovia.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement

Please see the attached as my views on this matter. I am involved in the commerce of the technology sector in the RTP. THank you for your attention.

(See attached file'' USAGDavidson—Carolyn—1006—0121.doc)
Carolyn Davidson
January 22, 2002
46 Kimberly Drive, Durham, NC 27707
Attorney General John Ashcroft
The Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

The purpose of this letter is to voice my support for the settlement that was reached between the Department of Justice and Microsoft. Since the beginning of this case, three years ago, the Department of Justice has spent an enormous amount of time and money pursuing the anti-trust dispute. While I certainly speculate the merits of this case, I was pleased to finally see the end of this dispute. I believe it is in the best interests of everyone involved that the matter be resolved. Given the current state of the economy, resolution of this case would naturally spur economic recovery in the technology markets, which is important here in the Research Triangle.

The terms of the agreement represent compromise on the behalf of Microsoft. The stipulations of the settlement call for the licensing of Microsoft at a uniform rate to the largest twenty PC manufacturers. In addition to this, Microsoft is also willing to disclose the protocols of the Windows design system, allowing for the design of software that is increasingly compatible with Windows.

It is my opinion that the settlement should be enacted at the end of January. I certainly believe that the time has come for resolution. Resolution in this matter is altogether beneficial. Thank you for your time regarding this issue.

Sincerely,
Carolyn Davidson

MTC–00027678

From: Lisa Munsat
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse
Antitrust Division
United States Dept. of Justice
Washington, DC

Dear Ms. Hesse,

I am very concerned about the proposed Microsoft settlement because I do not believe

that it is in the public interest. We, the consumers, need competition and choice so that we can decide for ourselves what products we want on our computers, and we need to be able to combine non-Microsoft products with Microsoft products on our computers. Also, the current proposed settlement leaves too many loopholes for Microsoft to exempt itself from crucial provisions. Thirdly, the court must hold public proceedings under the Tunney Act so that citizens, consumer groups, customers, and Microsoft's competitors can equally participate.

Thank you for considering my comments and input.

Sincerely,
Elizabeth M. Munsat
1505 Lamont Court
Chapel Hill, NC 27517
(919) 929–7282

MTC–00027679

From: Chriss Winston
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement

Dear General Ashcroft,

I am both a consumer of Microsoft products and a small stockholder. I have seen the money my husband and I set aside for our son's college education cut in half since the federal government, under the last Administration, undertook what I believe was a vendetta against a great company. Now, you have a chance to right a wrong. As a consumer, I am very happy with both the quality and price of Microsoft's products. I have seen no indications whatsoever of price gouging. To the contrary, over the years, Microsoft's products have become less expensive not more while offering the consumer increasingly improved technology. There has been no harm to the consumer period. As far as I'm concerned, the entire case should be thrown out, but at a minimum, you should settle it and let the tech sector recover from the near fatal attack by the Clinton administration. If anyone is to blame for the fall of tech stocks over the past 18 months, it is Al Gore and Bill Clinton, and the sorry mess began with their ill-advised, politically-motivated Microsoft anti-trust suit. Please right this wrong and settle with Microsoft.

Sincerely,
Chriss Winston
P.O. Box 129
Pomfret, MD 20675

MTC–00027680

From: Dan Tepper
To: Microsoft ATR
Date: 1/28/02 9:16am
Subject: Microsoft Settlement

Hi!

I just wanted to take a few moments to comment on the proposed settlement to the Microsoft Anti-Trust case. The proposed settlement is not sever enough, there is no real punishment for Microsoft included in the settlement, it does nothing to ensure that Microsoft does not continue to abuse their monopoly. Microsoft obviously feels the same way, as shown by their recent attempt to expand their monopoly into the education market (one of the few markets they do not have a monopoly in).

Please do not approve this settlement..

Thanks,
Dan Tepper
Concerned Citizen

MTC–00027681

From: charles—hohn@drsoptronics.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Microsoft Settlement

The actions of Microsoft Corporation and their agents demonstrate that they willingly and illegally leverage their influence to damage and even ruin competitors. This is bad not only for the consumer, but incredibly unfair to the people (and their families) that put forth an honest effort to bring something to the market place, believing that they would compete on a level playing field. Justice cannot be served to these individuals and companies. But to those who would place their efforts at risk in the future, they must believe that the fruits of their endeavors will not be wrestled away by a stronger entity.

In this society, we are dependent on the judicial process to punish such offenders, at least to the minimum degree, such that it is a real deterrent to like or repeat offenses.

It is my belief that the current settlement proposal cannot possibly accomplish this goal.

Sincerely,
Charles E. Hohn
Software Engineer
CC:charles—hohn@drsoptronics.com@inetgw

MTC–00027682

From: Tony Smolar
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Microsoft Settlement

I am writing against the proposed settlement in the Microsoft case because I do not believe that it is strong enough. I believe that a strong an effective penalty is needed against Microsoft because their past behavior has shown that they will sidestep weak government action, and continue to use whatever tactics are necessary to maintain their current monopolies and pursue new ones

Thank You,
Tony Smolar

MTC–00027683

From: Steward, Ronald Ray (UIS Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:19am
Subject: Microsoft Settlement

Renata B. Hesse

I am writing regarding the Microsoft Antitrust case. I am a graduate student in computer Science at the University of Illinois at Springfield. For many years I have watched the developments in the computer industry. I have been greatly disheartened

MTC–00027684

From: L. Charles Andersen, Sr.
To: Microsoft ATR
Date: 1/28/02 9:18am
Subject: Microsoft Settlement

To Whom It May Concern:

As a United States Citizen and tax-payer I want to make my opinion heard regarding the Microsoft Settlement. I believe the original lawsuit was politically motivated and clearly not in the interest of the American economy or anybody beyond Microsoft's competitors. The proposed settlement is reasonably fair and should move forward as quickly as possible. Delaying the settlement will only prolong the problems with the economy we are currently experiencing and hurt Microsoft and the IT industry even more.

Thank you,
L. Charles Andersen
Caledonia, Wisconsin 53108

MTC–00027685

From: Jacques Guenette
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Settlement

To whomever it may concern :

Let's settle this and move on. We all have better things to do, and we can all benefit from Microsoft focusing on business, not legaleze. Jacques Gu• nette
President
DLGL LTD
Jacques (Jag) Gu• nette
jacques.guenette@dlgl.com
jguen99@aol.com
tel. 450–979–4646
fax 450–979–4650
cel. 514–942–1267

MTC–00027686

From: jnrkenad@utk.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 9:25am
Subject: Microsoft settlement

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my support for the settlement that was reached in early November in the Microsoft antitrust dispute. It is my opinion that this suit has only wasted America's time and money since its inception three years ago. Any further litigation needs to be halted and this settlement accepted as a fair conclusion to a frivolous suit. The American economy has gone into decline; I believe that the stock market crash we experienced two years ago was in part a direct result of this suit. We will not see the end of this current recession until Microsoft and American business in general can operate without the interference of the government.

A politically biased White House I believe, instituted this suit. It was a significant factor in my voting Republican in the last election. I agree with this settlement only because it puts a stop to this frivolous litigation, in a perfect world this suit would be dismissed. Thank you for your time and for the effort that you and your colleagues have put into seeing this suit come to an end. It has cost American citizens millions of lost dollars in personal and retirement savings due to the damage to Microsoft share prices.

Sincerely,

John Kennedy
520 Charleen Lane
Knoxville, TN 37920

MTC–00027687

From: ParisiHC
To: Microsoft ATR
Date: 1/28/02 9:26am
Subject: Microsoft Settlement
** Confidential **
W204 N9187 Lannon Road
Menomonee Falls, WI 53051
January 27, 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 opinion regarding the legal dispute between Microsoft and the Department of Justice. I feel that the settlement reached between the two is fair, and this matter should end quickly. The agreement is fair because it requires significant changes in Microsoft's future business dealings. To give you one example, Microsoft consented to license its Windows products to large computer makers at the same rate and on equivalent terms and conditions.

In summary, the Microsoft case has reached a fair settlement. Future government intervention will only hamper business as a whole. Please conclude this case, and allow Microsoft to develop now so that it can improve the nation's economy.

Sincerely,
Henry C. Parisi
Henry Parisi
cc: Representative F. James Sensenbrenner, Jr.
HC Parisi
W204 N9187 Lannon Road
Menomonee Falls, Wisconsin 53051
Home: 262 251–1539
Mobil: 414 416–2107
e-mail: hparisi@wi.rr.com

MTC–00027688

From: Vincent Caputo
To: Microsoft ATR
Date: 1/28/02 9:26am
Subject: Microsoft Settlement
2801 Deer Street
Mohegan Lake, NY 10547
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to give my approval to the agreement reached between Microsoft and the Department of Justice. This was reached after three long years of litigation, costing both parties enormous amounts of money. It is time to end this debate and move forward. Microsoft has also evidently been chastened and has agreed to any number of demands from the Department of Justice. There will be a technical committee to monitor future adherence; Microsoft has agreed to allow computer makers to ship non-Microsoft product to customers; Microsoft has agreed to design future versions of Windows providing a mechanism to make it easier to promote non-Microsoft software; Microsoft would help companies better achieve a greater degree of reliability with regard to their networking software. Microsoft has done a great deal to pay for any ''sins'' it may have made.

Please give your support to this agreement. It is time to move on. We have more important things to worry about.

Sincerely,
Vincent Caputo

MTC–00027689

From: wendt@research.buffalo.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 9:27am
Subject: Microsoft Settlement

My opinion is that all of Microsoft (MS) competitors are out to increase their market share of comparable products. Wheteher their product is superior or infurior. Those states most likely have financial(in the form of hometown jobs or other state benefits) or re-election agenda's or both.

CC:wendt@research.buffalo.edu@inetgw

MTC–00027690

From: Anna Quirk
To: Microsoft ATR
Date: 1/28/02 9:27am
Subject: Microsoft Settlement

I think it's disgraceful that Microsoft should settle out of this case with such little consequence for their business practices. I thought this was an anti-trust case. How does this settlement settle the issue of anti-trust? I find it completely unacceptable.

Anna Quirk
Hinesburg, VT

MTC–00027691

From: Gerald McClain
To: Microsoft ATR
Date: 1/28/02 9:29am
Subject: Microsoft Settlement

Gentlemen:

Enough is enough!!!!! Let's get on with starting our economic engine again. Microsoft products have made our workplace a better work place. We need the inventive create ideas that drive a great economy. The savings in our factories and business offices has been tremendous!! Wake up, don't kill our economy again. While the terms of the settlement are tough, I believe they are reasonable and fair to all parties, and meet—or go beyond — the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Please give us in industry a break and let our economy get going again. I teach teachers, professors, and trainers from industry and government how to train at a distance using two way video, web based instruction and virtual courseware. We have gone so far, yet have so far to go to achieve the dreams of students and facility to distance learning. We need the creative talent of Microsoft working at the forefront driving our economic engine.

Please give us a break and settle the Microsoft suites.

Gerald R. McClain
Vice President Internet and Multimedia
Teletraining Institute
1524 W. Admiral
Stillwater, Oklahoma 74074
Telephone: 405–743–3463
Email: <mailto:gerald@teletrain.com> gerald@teletrain.com
URL: <http://www.teletrain.com/> http://www.teletrain.com Retired Professor and head of Mechanical Design and Manufacturing Engineering Technology, Oklahoma State University

MTC–00027692

From: Mark Hofmann
To: Microsoft ATR
Date: 1/28/02 9:30am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the current settlement that has been placed on Microsoft. I feel that the judgment does not go far enough to address the issues that the investigation of Microsoft has uncovered. While there are some parts of the settlement that will keep Microsoft from committing these same illegal acts in the future, there has been nothing put into this settlement that ?rights the wrongs? of the past. We do not allow criminals in this country to get away with murder if they say they will not do it again.

Microsoft should not have this privilege, either. This is also not a guarantee of the future, either. Consider the 1995 consent decree levied on Microsoft. They paid almost no heed to the courts then, and if the past is any indication of the future, then it is likely that Microsoft will not fully comply with this settlement, either. There needs to be just punishment and enforcement.

I thank you for all of the hard work that you do for the good of the country and appreciate your hard work.

Sincerely,
Mark Hofmann
22 Green Woods Lane
Unionville, CT 06085

MTC–00027693

From: Jim Kull
To: Microsoft ATR
Date: 1/28/02 9:33am
Subject: Microsoft Settlement

Please do something about Microsoft. They have nearly eliminated all competition. They stole windows from Apple and are currently destroying Netscape. Please help.

Thanks,
Jim

MTC–00027694

From: Lin Tuschong
To: Microsoft ATR
Date: 1/28/02 9:31am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW Suite 1200 Washington, DC 20530–0001 Madam, I am writing about the current Microsoft suit upon which decisions are about to be made. Current proposed settlement issues will allow Microsoft to continue to extend its monopoly, and, potentially to gain a major stake in the control of the internet. It will also provide the company with opportunities to set aside crucial provisions of the settlement. The settlement will not allow consumers to run paid-for Microsoft

applications on other operating systems. If a customer purchases a product, it should be their decision upon which operating system it will run.

Consumers who are spending their hard-earned cash have a right to choose what products they wish to install on their computer systems, rather than having Microsoft make their decisions. This has the potential to continue to injure other players in the computer field, many of whom offer good quality product that currently has difficulty competing with Microsoft. In the spirit of free enterprise, and to uphold the standards against monopolies, the settlement issue need to be reconsidered and other choices must be made.

Thank you for your time.

Lin Tuschong

6821 NW 30th Ave.

Fort Lauderdale, FL 33309

954–975–2703

MTC–00027695

From: Gary L. Breeden
To: Microsoft ATR
Date: 1/28/02 9:37am
Subject: Microsoft Settlement

Dear Sirs, I would like to voice my opinion regarding the case the Justice Department is involved with regarding Microsoft Corporation. Herein my comments: Unfortunately DOJ and US Courts actions against Microsoft appear to be driven more by Competitors than CONSUMERS! I have over twenty five years of experience in computer and information systems development for both fortune 1 companies and small businesses and have ''grown up'' with almost every type of computer system imaginable.

I have seen everything form the ''big blue hand of IBM'' as it strangled creativity with its structured products to the free handed ''scare tactics'' of the UNIX crowd (e.g., SUN, Corel, AOL/Time Warner, AT&T (a hideous monopolist even today)) who shout wondrous promises of ''open systems'' that to this day are so closed that very few applications run consistently between/among the myriad of UNIX and LINUX variants. For the most part, the UNIX/LINUX crowd is still playing the same old games ... point fingers and shouts negatives about anyone in their gang who proposes a standard that is not in tune with their individual biases. As a result, the world has a UNIX/LINUX platform that is so fragmented that the proponents aren't quite certain how to ''pull it together''. And they are not listening to CONSUMERS as we vote by buying the products we want! MICROSOFT! Creative, interactive, integrated products that work as expected when needed without a gaggle of technocrats to keep it running.

Let's give credit to a great AMERICAN effort ..... Bill Gates and Microsoft .... they pulled together products that are overwhelmingly major customer successes. They created innovative products that deliver innovative solutions to day-to-day business as well as household solutions! WE AS CONSUMERS KEEP BUYING THEM BECAUSE WE WANT THEM! DOJ apparently believes American Consumers are not intelligent enough to make rational decisions. What happened to ''majority opinion''? If we don't believe a product adds value to our wealth and lives, we WILL NOT BUY IT! Let the market do its thing! Keep government out of the free market. If Microsoft's competitors create better products, American Consumers will buy them. Microsoft has brought consistency through innovation and creativity to an industry that historically has been overwhelmingly structured and pragmatic at the expense of the every day consumer. I remember when IBM's operating systems for PCs cost over $500 dollars! Sun Microsystems OS's cost into the thousands of dollars to run their microcomputers. American Consumer's are getting a feature laden, innovative products (Windows OS & Windows Office) at unbelievably low prices. Microsoft has in total brought computing machines into consumer's homes at prices that are affordable! IBM, SUN, etc. would be thriving if they modeled their product offerings after Microsoft (creative and innovative consumer oriented/driven). Microsoft listens

.....If their competitors did, they would enjoy the spoils of success The campaign being waged by the trustbusters lawyers at DOJ and our Courts opens the door to a multitude of private lawsuits This litigation could end up looking a lot like the tobacco industry, with a lot of lawyer time (and FEES) and a big legal process for Microsoft and the computer industry to manage. Almost before the ink was dry on the judge's ''finding of fact'' lawyers began generating fees by filing class-action suits against Microsoft. Nearly 290 cases are currently pending in 32 states and the District of Columbia. The Justice Department thus spent 40 million+ dollars in TAXPAYER FUNDS to prosecute a case that wiped out at least $80 billion in privately owned assets of TAXPAYERS and could ultimately obliterate much more. In spite of the warning signs, former Netscape CEO Jim Barksdale (a Microsoft Competitor) continues to peddle the notion that a government-ordered break-up of Microsoft ''is the simplest solution.''

In reality, the simplest solution is to let the free market work rather than allow government lawyers apply nineteenth-century statutes to the twenty-first century economy. Lawyers making money for lawyers .... what a conflict of interest! All credible studies I've read regarding consumer opinions regarding DOJ vs. Microsoft have OVERWHELMINGLY been in favor for letting the free market work and keeping the government (especially the DOJ with its 19th century mentality) out of it. Listen to the consumers and not competitors! American Consumers are taxpayers! Give us a break! Clearly these cases are motivated by special interests and not consumer opinion! The DOJ experts for the most part are Microsoft competitors whose products have not competed based on quality, interoperability, and usefulness with Microsoft's products. Apparently they collectively ''hired'' the DOJ to do their dirty work for them! America was built on the concept of free market and competition with very limited government intrusion. America's innovation and creativity has been a bi-product of this approach. Now we reward companies (e.g., Microsoft) who have been creative and innovative by permitting their competitors via the DOJ to blast this great American approach.

Get real DOJ .... join the twentieth century! Listen to the consumer! We vote with our buying dollars! The DO J, US Courts, and our government must come to grips with the fact that successful American businesses should not be subject to the political whims of anti-capitalist apparatchiks, greedy lawyers, and publicity-hungry politicians who have little understanding of the high-tech economy. Bill Gates created a company worth half-a-trillion dollars, a company now co-owned by tens of millions of Americans (TAXPAYERS!). He created wealth. The would-be regulators can only destroy wealth. In the case of Microsoft, so far they have wiped out at least $80 billion (and the number is growing). Destroying wealth is not creating wealth. Even Microsoft competitors that ''stand to benefit'' from the case, including Sun Microsystems, AOL (which owns Netscape), IBM, and RealNetworks all experienced significant declines in share prices as a result of their actions in this regard.

I guess the competitors who sponsored this D0J trustbuster event are reapin9 their rewards now, If they can compete with products of equal or better quality with Microsoft, consumers will buy their products! That's what free markets ensure. Drop the ego trip DOJ and get out of the case and let the free market work! We are not a socialistic economy!

The money DOJ has spent on this case could have been better spent fighting the real monopolist .... oil companies, mass media, medical companies (doctors, drug companies, providers), auto companies, insurance companies, utilities (especially the government ones like TVA), and the idiotic, egotistical government agencies that refuse to move into the 20th century and act normal. What's next, will the DOJ storm the offices of Microsoft armed with semi-automatic arms and carry away Bill Gates and hold him in some government facility or compound (AT TAXPAYERS EXPENSE) until the DOJ completes stroking its ego?

LISTEN TO THE CONSUMERS DOJI WE AREN'T AS STUPID AS YOU IMPLY WE ARE.

IF WE DON'T LIKE A PRODUCT, WE WILL STOP BUYING IT IRRESPECTIVE OF THE MARKETING AGREEMENTS MANUFACTURERS AND VENDORS MIGHT HAVE.

AMERICAN CONSUMERS ARE NOT DUMB! WE DON'T NEED HAND HOLDING; WE ARE MATURE ENOUGH TO MAKE COMPETENT DECISIONS!

Apparently the DOJ needs to observe and learn from AMERICAN CONSUMERS ! I do NOT feel that consumers have been harmed by Microsoft; in fact, I firmly believe the economy, consumers, government, and taxpayers owe Microsoft and Bill Gates a warm hearted ''Thank you'' for the American wealth they created.

Microsoft's products are very consumer oriented and deliver functionality that consumers are and have demanded. Admit it DOJ. You made a mistake. Or are you free to admit it?

Gary Breeden
glbreeden@isabiz.com
http://www.isabiz.com
865–719–3561

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MTC–00027696

From: Damon Merrill Cann
To: Microsoft ATR
Date: 1/28/02 9:38am
Subject: Microsoft Settlement

I am a Ph.D. student in Political Science at the State University of New York at Stony Brook. I object to the proposed settlement. Microsoft has become too large to provide any of its services well. Their practice of bundling software products deceptively traps the average consumer into using inferior products. It prevents competitors from entering the market. Reducing barriers to entry is critical to a competitive economy.

I further object to the practice of creating intentional incompatibilities in Microsoft products that prevent them from running on other operating systems. The proposed settlement would not remedy this problem.

As a catch all, I agree with the criticisms leveled at the porposed settlement which are published on-line at http://www.kegel.com/remedy/letter.html Please reconsider the settlement,

Sincerely,
Damon Cann
Ph.D. Student
SUNY at Stony Brook
37 Soundview Dr.
Port Jefferson, NY 11777

MTC–00027697

From: Strawn, Natalie M.
To: Microsoft ATR
Date: 1/28/02 9:38am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 120
Washington, DC 20530–0001

Dear Ms. Hesse: I am writing in full support of the proposed settlement agreement with Microsoft that would provide technology funds, computers, and software in low-income communities.

As a future educator, I know that the state of Wisconsin would benefit from the technology funds.

Technology enhances what is taught in the classroom and students take away not only knowledge of the content area, but it also allows the students to become technology savvy. Being technology literate is not a privilege, but a need in today's world. Due to the lack of funding in school districts in the state of Wisconsin, some schools aren't getting the same advantages as other schools. With the proposed settlement, students would get the technology they so greatly need.

The proposed Microsoft settlement is a great opportunity for the schools, teachers, and students of Wisconsin. The settlement would help us make sure that no student, in the area of technology, is left behind.

Thank you.
Sincerely,
Natalie Strawn
UW- Eau Claire Student
321 4th Avenue
Eau Claire, WI 54703

MTC–00027698

From: Ken Seikel
To: microsoft.atr(a)usdoj.gov
Date: 1/28/02 9:33am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Microsoft Settlement

I am a U. S. citizen with 28 years experience developing software for computers. I wish to express my concern that the proposed settlement agreement is inadequate remedy, in light of the considerable public harm.

A pattern of Microsoft behavior is evident, (including the disregard for the 1995 consent decree), suggesting that unless an effective remedy is enacted at this time, the public will continue to suffer from the lack of competition and we will again be searching for remedy in some future litigation of an even more complicated nature.

The proposed settlement will be an ineffective remedy. It appears likely to provide a roadmap for future behavior which would exploit the loopholes, further harming the public. In effect, it grants Microsoft rights which would not otherwise exist. By allowing Microsoft the power to define the terms, it may actually foster anticompetitive behavior. By focusing on commercial competition, it ignores or even hinders open source software, one of the most viable alternatives to Microsoft software. I believe that an effective remedy must educate and inform the public, promote competition and prevent further abuse of monopoly power. The following comments may be helpful in achieving that result.

Restrictive licensing terms prevent public disclosure of Microsoft product performance characteristics. Even freedom of speech is under attack from Microsoft. Provisions in the license for their web site creation tool prohibit anti-Microsoft statements. Microsoft must make public service announcements, acknowledging their violations of antitrust law, and the harm caused to the public. Complete disclosure is required. They recently attempted to hide information from the public by barring the media and the public from upcoming depositions Additionally, Microsoft did not fully disclose congressional lobbying or contact with members of the current administration as is required by the Tunney Act.

Federal regulations have provided for educational information to the public in many product areas. Product labeling provides food product ingredients, automobile fuel efficiency, appliance energy consumption, tobacco and alcohol health considerations. Imposition of labeling requirements for PCs will similarly benefit the public.

When the IBM PC was introduced in 1981, operating system software was not bundled into the system price. IBM offered several operating systems for the PC. The public chose the lower cost solution, which was IBM's version of Microsoft DOS. The public deserves choice today, but it is effectively denied by the bundling policies of the Microsoft OEMs.

For any computer system offered with Microsoft software, OEMs must make that same system as readily available without the Microsoft software. The price difference must reflect the actual costs associated with providing the Microsoft software, support and warrantee services. A refund based model is not adequate. The costs must be fully disclosed on the product labeling and Microsoft must not financially benefit from the sale of a system without Microsoft software.

Uniform pricing for Microsoft products should be via a single, published, public volume discount schedule. Pricing must not be influenced by any other consideration. The software resulting from Microsoft's claimed ''freedom to innovate'' should be offered as separate products, not bundled into Windows. ''Freedom to innovate'' should not imply ''freedom to integrate''.

Microsoft must be prevented from practicing their ''Embrace, Extend, Extinguish'' tactics to wrest control of standards to their benefit. Their dot.net plans are an attempt to extend the monopoly to the internet itself. Microsoft must be prevented from using their current monopoly power to extend it into new areas. New versions of Microsoft products as well as new Microsoft products must, as the installation default, compatibly interoperate with prior versions of Microsoft products and other non-Microsoft software programs. Thank you for your consideration.

Sincerely,
Kenneth W. Seikel
1226 Eastwood Circle S. E.
North Canton, OH 44720
Take care... Ken Seikel kseikel@neo.rr.com

MTC–00027699

From: Robert Browner
To: Microsoft ATR
Date: 1/28/02 9:39am

To Whom It May Concern: I have followed this litigation since it inseption. I belelive it was politically inspired and used as an escape from other problems. I also believe that if it went to the Supreme Court it would be ruled in favor of Microsoft. However, under the current situation both Microsoft, the government, and the several states agreed upon this settlement. I belelive it should be accepted as is and let all parties go on with more important and revelant business.

Robert Browner

MTC–00027700

From: Eric Wadsworth
To: Microsoft ATR

Date: 1/28/02 9:41am
Subject: USAGWadsworth—Eric—1004—0126.doc
5005 Timber Edge Drive
Richfield, OH 44286
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am glad that the Tunney Act allows me to participate in some small way in showing my support for Microsoft in the settlement of the antitrust case. Microsoft has been a strong source of support for American prosperity of quite some time now. With the legal wrangles of this court action behind it,

Microsoft should be able, I hope, to return to its business of providing innovations to increase efficiency for business and around the world.

The settlement is, like all settlements ever, a compromise. In my opinion, Microsoft graciously conceded the most. All it got was to have the court action end with it still in one piece. In exchange, it conceded to give up its United State Constitutional protected copyright and patent interests. For example, Microsoft is documenting and disclosing to the other companies who make software the digital code to the various internal interfaces of its Windows operating system programs. Microsoft is in good company with great, bold, innovative technology companies like IBM and AT&T in being sued for antitrust.

Thank you so much for having enough sense to work to end this mess with a settlement that is worth agreeing on. I appreciate your leadership.

Sincerely,
Eric Wadsworth

MTC–00027701

From: Hohn, Charles
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:41am
Subject: Microsoft Settlement

The actions of Microsoft Corporation and their agents demonstrate that they willingly and illegally leverage their influence to damage and even ruin competitors. This is bad not only for the consumer, but incredibly unfair to the people (and their families) that put forth an honest effort to bring something to the market place, believing that they would compete on a level playing field. Justice cannot be served to these individuals and companies. But to those who would place their efforts at risk in the future, they must believe that the fruits of their endeavors will not be wrestled away by a stronger entity.

In this society, we are dependent on the judicial process to punish such offenders, at least to the minimum degree, such that it is a real deterrent to like or repeat offenses.

It is my belief that the current settlement proposal cannot possibly accomplish this goal.

Sincerely,
Charles E. Hohn
Software Engineer
CC:Beattie, Chris,Wheaton, Ken,Antle, Deborah

MTC–00027702

From: Duff, Michael
To: Microsoft ATR
Date: 1/28/02 9:43am
Subject: Microsoft Settlement

I believe this settlement is a BAD idea and very bad for the computing economy.

Microsoft shouldn't be destroyed by punishment, but should also not be able to buy their way out of this.

Michael P. Duff, Jr. <michael.duff@divine.com>
Director, divine Advanced Web Technology (Chicago)
Work 312–601–3048 Cell 630–408–7538
http//www.divine.com http//duff.dnsalias.com

MTC–00027703

From: Bagby, Jon W. (091)C(093)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:45am
Subject: Microsoft Settlement

Your Honor

Fact 1: Microsoft Corporation has broken no laws.

Fact 2: This frivolous lawsuit should never have been entertained by any court.

Fact 3: I resent the government's belief that it has to force it's ''protection'' on me when I neither want nor need it.

Toss this litigation out into the street where it belongs.

Stop punishing businesses and individuals for their hard work and success. Stop allowing (empowering?) failed businesses to set the rules for the markets in which they couldn't compete in the first place.

Thank you.
Jon W. Bagby
IT Professional
CC:'activism(a)moraldefense.com''

MTC–00027704

From: Raymond Peeples
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:46am
Subject: Microsoft Settlement

Sirs,

I am in favor of the settlement and urge it's adoption! Thank you!

Raymond C. Peeples Jr.
Service Repair Coordinator
Stanley Elevator Co., Inc

''The time when you need to do something is when no one else is willing to do it, when people are saying it can't be done.'' Mary Frances Berry

MTC–00027705

From: mdstoffel@mmm.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:46am
Subject: Microsoft Settlement

End the lawsuits and let the market determine the best solution. AOL has nothing to complain about when it comes to unfair practices and monopolies.

Mick Stoffel
651–733–7932

MTC–00027706

From: Nicolas Ouedraogo
To: Microsoft ATR
Date: 1/28/02 9:41am
Subject: Microsoft Settlement

As a computer professional working and interacting with Microsoft products for the past 10 years, I have numerous first-hand experiences of the ill-effects of Microsoft's abuses of monopoly powers and predatory business practices on my daily work. Although living and working abroad, these abuses and practices have and still are affecting me personally and professionally, which shows how far-reaching the ill-effects can be.

After closely watching this case, including relevant documents of the trial and numerous commentaries in the press, I believe that the proposed settlement will not achieve its goals and, as an american citizen, I feel compelled to express my concerns about it. Microsoft's past and present behaviours have already been described at length during the trial, but the ones which have affected me the most can be summed up as:

(A) illegally restricting competition in the OS market

(B) illegally using its monopoly position in the OS market to enter other markets or restrict competition in other markets However, the proposed settlement fails to correctly address those two points, and does so in various ways, notably:

- Microsoft's past behaviours have showed how clever it can be in finding and exploiting loopholes in its agreements—the DOJ has a first-hand experience of this (cf. the 1995 consent decree with Microsoft). The proposed settlement is too vaguely worded in this respect, so careful attention should be given to the various means (and their wording) needed to acheive these goals.

- Also of the highest importance, specific means should be provided to guarantee that open source and free software can develop unharmed by Microsoft's actions. By Microsoft's own admission, free software (and particularly the Linux OS) is its biggest competitor, but strangely the proposed settlement's wording of Microsoft's behavioural remedies specifically includes only commercial software developers—thus leaving free software developers, most of whom are individuals or not-for-profit entities, with no rights at all, as though they don't even exist.

Even worse, Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says 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: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

The same goes for Section III(D), which deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware'', and which gives some rights to commercial concerns only. This is particularly unfair, because Microsoft's harms have and still are affecting not only businesses, but also the public at large, including individuals and not-for-profit organizations.

So, in my view, any settlement should include, as a bare minimum, the following requirements:

(A) To restore competition on the OS market, the proposed settlement should:

1. Require Microsoft to:

—publish OEM prices for licenses to all version of Windows and its successors.

—offer different prices for the same product based only on quantity bought. The complete pricelist must be made public and access to the different prices cannot be tied to factors other than quantity.

—publish the conditions under which it gives access to the source code of any of its OS, and provide such accesses in a non-discriminatory way These mesures would provide a mean for consumers to make informed choices when selecting computer platforms to buy, prevent Microsoft from illegally using OEMs to raise the barrier to entry in the OS market, and prevent Microsoft from threatening ISVs to deny them access to the source code of its OS.

2. Prevent Microsoft from:

—refusing to sell licenses of its OS to anyone

—entering in a bundling agreement or contract which includes a Microsoft OS, with OEMs or resellers

—using a software-related patent to block or hinder the development and public offering (free of charge or for a cost) of a software competing with Microsoft's products. Microsoft should be required to license, free of charge and in a non-discriminatory way, any software-related patent it owns to any software developer, provided the software using the patent will also be publicly available free of charge. Commercial software using Microsoft-owned patents can be required to license these patents for a reasonnable cost, provided that that cost is published by Microsoft and equally applied in a non-discriminatory way to all commercial vendors.

—publicly offering (free of charge or for a cost) any hardware device driver without also publicly offering, free of charge, its source code.

—certifying any hardware as working with Microsoft software, unless the hardware's complete specifications are publicly available free of charge.

These five measures combined would remove a big part of the barrier to entry illegally placed by Microsoft on competing products in the OS market, and prevent future actions by Microsoft to restrict competition, including those from open-source and free software products.

This would also prevent Microsoft from using hardware devices as a mean to maintain its monopoly position:

- by ensuring that any hardware supported natively by a Microsoft OS can also be supported by any other OS (including open source and free software operating systems like Linux)

- by ensuring that Microsoft cannot use its ''seal of approval'' to reinforce its monopoly position by helping hardware manufacturers in marketing products for which the specifications are not publicly available.

(B) To prevent Microsoft from using its OS monopoly as a way of achieving another monopoly position in another market, the proposed settlement should require Microsoft to:

—publish, free of charge and without any non-disclosure requirement, complete documentation of all interfaces between software components, all communications protocols, and all file formats used in any software publicly offered (free of charge or for a cost) by Microsoft for the past three years, and those publicly offered (free of charge or for a cost) by Microsoft for the next ten years. These documentations for software publicly offered (free of charge or for a cost) by Microsoft for the past three years must be publicly available at most one year after the date the settlement is in effect.

—publicly provide answers, free of charge and in a reasonable time, to all questions raised by anyone regarding any aspect of an interface (as distinguished from implementation techniques) that the published documentation fails to address, and do so for the next ten years.

—make available in a convenient way, the ability to remove any software component that is part of a Microsoft OS (such as Internet Explorer, Windows Media Player, etc..) and replace it with a competing software component.

These three mesures combined would ensure that complete interoperability with Microsoft present and future products becomes possible, thus guaranteeing that fair competition can exist in all software markets in which Microsoft is present. They also address some of the past harms done by Microsoft by requiring it to use some of its ill-gotten gains to provide the public with some means to interoperate with some of its past, still widely in-use software.

I sincerely hope that my concerns about the proposed settlement will be correctly be addressed, and I will watch very closely the outcome the case.

Regards,
Nicolas Ouedraogo
C.T.O.
Juillerat-Grin S.A
17, rue de la Fontenette
1227 Carouge
Switzerland
tel. : +41 (22) 827–3030
fax: +41 (22) 827–3033
email: nicolas@jgsa.ch

MTC–00027707

From: Clayton Carter
To: Microsoft ATR
Date: 1/28/02 9:46am
Subject: Comments Regarding Microsoft Settlement

I am convinced that the punitive measures laid out by the proposed Microsoft settlement are wholely inadequate and mostly ludicrous. I'm speaking mainly of the supposed $1 billion that will be invested in poor schools, but I'm also convinced that bulk of the rest of the settlement is little more than a slap on the wrist. In regards to the $1 billion to be invested in the public school system, I can't help but be flabergasted. While not myself a huge fan of Apple computers, I whole hearted agree with the comments that Steve Jobs made about the settlement. I believe that the most relevant of his points was that pouring money and computers loaded with Microsoft software into the school system would do nothing more than train entire generations of students to be future Microsoft customers, further guaranteeing Microsoft's stranglehold on the personal computing industry.

Few would doubt that computers will play a larg part in our future. In light of this, you have the chance to affect (and benefit) our future profoundly by putting Microsoft in its place and removing from their hands the power that they currently hold over the computing industry.

I trust that you will act in the best interest of the American people.

Thank you.
Clayton Carter
Information Technology Specialist
Harvard/Smithsonian Center for Astrophysics

MTC–00027708

From: Fraser Smithson
To: Microsoft ATR
Date: 1/28/02 9:47am
Subject: Microsoft Settlement

Please enter my letter attached in comment for Microsoft Settlement Public comment.

Fraser Smithson
Fraser D. Smithson
2390 Tarpon Road
Naples, FL 34102
941–793–5155
fraserS62@yahoo.com
January 31, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I believe the antitrust case against Microsoft should never have been brought.

However, as it was actually brought three years ago, I believe that the settlement agreement is the best think for Microsoft, and for America. Continuing this wasteful litigation will not benefit any one.

The settlement was not reached in haste. All parties had a chance to bring up their concerns and grievances and issues during three months of negotiations with the mediator appointed by the new federal judge on the case. Microsoft gets to stay intact. The companies behind the government antitrust action get Microsoft to abandon many of its legal rights. Copyrights and patents of intellectual property rights were protected by America's Founding Fathers in the United States Constitution over two hundred years ago. Microsoft has taken a strong stance to protect its intellectual property. After all, intellectual property, the collected, written down in software code, and tested mental power of its employees is practically the whole business worth of the software industry. I know that Bill Gates and his co-workers at Microsoft have faced difficult challenges in the past, since they were founded a little over twenty years ago. Under the settlement, Microsoft will be helping the entire computer industry, including the many leading companies that are American. That should be seen as in the best American interest.

Thank you for your support of the Microsoft antitrust settlement.

Sincerely,
Fraser Smithson

MTC–00027709

From: Marty Altman
To: Microsoft ATR
Date: 1/28/02 9:49am
Subject: Microsoft Settlement
CC: Marty Altman
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Sirs,

Pursuant to the Tunney Act, I would very much like to add my voice to the objections over the proposed Microsoft Settlement. I won't belabor the details here, as folks like Dan Kegel (http://www.kegel.com/remedy/remedy2.html) have done an outstanding job with these points. I strongly support his ''Open Letter to DOJ Re: Microsoft Settlement'' (http://www.kegel.com/remedy/letter.html).

I believe the Proposed Final Judgement is critically flawed in several ways. Perhaps the most objectionable to me is that it doesn't require any fundamental shift in monopolistic attitudes or practices in order for Microsoft to successfully litigate their way to ''compliance''.

Quoting from Dan Kegel's introduction:

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. Clearly Microsoft has exercised monopolistic practices, and the Proposed Final Judgement provides little real relief for the software development, vendor, or end user communities. If nothing else, the definitions for key terms in the settlement are sufficiently narrow to allow Microsoft to employ a long standing tactic of litigating their way to what they feel is a successful end.

Perhaps more subtle there don't seem to be any provisions in the settlement designed to alter, let alone provide substantive punishment for, Microsoft's history and culture of predatory attitudes. Deeply held attitudes will not change themselves- they require a catalyst. In my view, the Proposed Final Judgement has no sting.

Quoting again from Dan Kegel's introduction:

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).

I respectfully disagree with Attorney General Ashcroft's assessment that the Proposed Final Judgement would, ''end Microsoft's unlawful conduct.'' In my view, the final judgement should include three principal aspects:

- enough procedural remedy to affect a significant shift in Microsoft's monopolistic business practices,

- enough sting to affect a significant shift in Microsoft's predatory business attitudes, and

- enough compliance machinery to assure both these shifts take place.

I agree with the conclusions stated elsewhere that the Proposed Final Judgement, in its current form, does little to affect Microsoft's monopolistic attitudes and practices, and is therefore not in the public interest. It should not be adopted without substantial revision.

Thank you for your time,
Marty Altman
Senior Scientist
Science Applications International Corporation
Orlando, Florida

-The opinions expressed herein are my own, and should in no way be interpreted as belonging to SAIC.

MTC–00027710

From: Phillips, George H.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:49am
Subject: Microsoft Settlement
To whom it may concern:

I believe the Microsoft settlement to be completely inadequate. As an IT professional, I have been hobbled for years by inferior software forced upon me by the illegal practices of Microsoft. They need to be reigned in now! Thank you. These opinions are mine alone and not those of my employer.

George Phillips
Email: ghp@miami.edu

MTC–00027712

From: stevenhjohnson@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:51am
Subject: Microsoft Settlement

To: Renata B. Hesse, Antitrust Division, US Dept of Justice I would like to submit a comment on the Microsoft settlement proposal. I believe the settlement must include a very strong provision assuring inter-operability.

I believe it is the responsibility of the U.S. Government to drive this process, as it will not happen without U.S. Government leadership. When railroads were first being built, there were no standards. Different rail lines were built with different guages. Each community had its own local time.

There wasn't any such thing as a standard guage, or a standard time zone. It proved impossible to serve the public interest without governmentally enforced standardization.

A standard track guage was agreed upon. The U.S. Government created and imposed Standard Time Zones to ease the problem of railroad scheduling.

You now have a similar responsibility in software. Unless the U.S. Government mandates inter-operability, the Sherman Act will, for all practical purposes, become a dead letter with respect to the software industry.

Inter-operability protects the consumer, and it protects competition, and it's the only meaningful way to apply the Sherman Act to this vital industry. Inter-operability means that files created by one application must be readable by the next.

Regardless of who the application creators are.

Spreadsheet files must be equally readable by all software applications. Word processing files must be equally readable by all word processing applications.

It's the software equivalent of standard guages and standard time zones. If you don't establish and enforce an interoperability rule, you'll dry up the market for smaller scale competitors and turn the market over to its biggest player.

You'll give a de facto green light to monopoly.

Thank you for your consideration.

I look forward to the DOJ exercising leadership that protects America's strong commitment to competitive capitalism, that honors America's enduring hostility toward monopoly.

Sincerely yours,
Steven H. Johnson
Annapolis MD 21401

MTC–00027713

From: Wendy Pellegrini
To: Microsoft ATR
Date: 1/28/02 9:49am
Subject: I am against this ''settlement''
I am against this ''settlement''.

This settlement does not punish Microsoft for their criminal behaviour. It rewards them. At the very least, you must force them to open their APIs so that competitors might stand a chance of competeing in the future.

Wendy Pellegrini
Software Engineer
Zixlt.com, Inc.

MTC–00027714

From: Stanley R Droy
To: Microsoft ATR
Date: 1/28/02 9:57am
Subject: Microsoft Settlement, From strophe @juno.com

Dear Sir: I have been dealing with the computer makers, software producers since 1969. Thats right 32 years ago. During the last 10 years, Microsoft corporation has done everything it could to help this country rise in its computer usage and availability to the common public. They should be given a medal for their achievements. To continue any form of prosecution is outrageous. We should help and support the Microsoft company, instead of stealing their assets for political gain. If the States need money, they should tax all the people in their state to acquire funds and not join a bandwagon of bandits. Sincerely yours,
Stanley R. Droy

MTC–00027715

From: Dan Warburton
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft Settlement
Dear Sirs,

I am very concerned that as a Monopoly microsoft is allowed to leverage this status in other ventures. I know ATT was not allowed to invest out side of its on field. So I don't think Microsoft should be allowed to invest outside the Windows/Office area. Specifically , as a monoply Microsoft should not be investing in Network Services (msn.net) or ISP servcies (MSN/Quest) or Media (msnbc). Microsoft should divest it's self of these companies.

Thank You.

MTC–00027716

From: Laurent Domenech
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: my comments

Since your time is valuable, I'll make it short: Microsoft's position is a threat to consumers. The monopoly should be broken.

Thanks,

Laurent

MTC–00027717

From: GNewt2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft settlement

Enough is enough—Let microsoft innovate to help get this economy moving again.

George Newton

MTC–00027718

From: Steve McGee
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft Settlement

DOJ,

As a taxpayer and software engineer, I think all the legal action against Microsoft is ridiculous. I am not now and never have been a Microsoft employee, but I've used their products for many years. They have done nothing but improve the quality of software and lower the prices of software. I don't agree with all their actions, but I don't agree with the court's decisions against them.

Regardless of my feelings, I believe any punitive action should be tempered with a sense of reality. These guys have created lots of jobs for lots of people, and I cannot see any downside to that.

Let's get this settled and over and move on. Let AOL and Sun and the rest complain all they want, but let's move on. Steve McGee Lakewood, Colorado

MTC–00027719

From: Alfieri, Matthew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement

—- Original Message ——-
From: Microsoft's Freedom To Innovate Network [mailto:fin@MobilizationOffice.com] Sent: Sunday, January 27, 2002 8:09 PM
To: ''MATTHEW.ALFIERI@USA.XEROX.COM''
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www. microsoft.com/freedomtoinnovate/

www.usdoj.gov/atr/cases/ms-settle.htm

Matthew Alfieri
7 Northfield Gate
Pittsford, NY 14534
January 27, 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 so that I may go on record as being a staunch supporter of the proposed agreement that was reached between Microsoft and the Department of Justice. The litigation between these two has gone on for long enough, more than three years actually. It is time to put this issue to rest and move on.

The settlement actually goes further than Microsoft would have liked, but they decided to settle because it was in the best interests of the IT industry and the American economy. The settlement mandates that Microsoft make future versions of the Windows operating system to include a feature that makes it much easier for computer makers and consumers to remove Microsoft software programs from Windows and then replace it with non-Microsoft software. This completely opens the industry up to much more competition, and the companies producing the competing software will need to deliver a ''Grade A'' product to the market, or people will simply not buy it.

Everything is now in place for a stronger IT industry and a healthier economy. I support this settlement because it looks out for everyone's best interests. Thank you.

Sincerely,

Matthew Alfieri

Matthew Alfieri

MTC–00027720

From: Steward, Ronald Ray (UIS Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am writing regarding the Microsoft settlement to express my disagreement. I am a graduate student in computer science at the University of Illinois at Springfield. I have observed the software industry for several years and watched as Microsoft grew into the monopoly it is now.

This entire settlement is flawed. It apparently attempts to protect competition from other venders that wish to run their software on the Microsoft operating system. Microsoft has already killed off the competition in the office suite and other key markets. This action is simply too late.

Much more important is that proposed settlement goes way beyond too little and is entirely superficial. Software design is very complex. There are a million ways to produce incredible advantages when the developer controls both the operating system and the software to run on it. The proposals merely attempt to preserve access to use and what might be thought of as advertising or ease of install. After this settlement has the illumination of time, it will be seen as a technical travisty of justice.

This court case will make all others pale in comparison. In the future anyone contesting Microsoft in court will likely have to prepare their briefs with pen and paper because the software giant will have access to everything written or transmitted by computer and all users will be registered for targetted monitoring. Perhaps even every computer with a microphone attached will need to be unplugged to avoid eavesdropping.

George Orwell could not imagine the power you are conceding to the Software giant.

I look to our future and weep,

Ron Steward

CC:'ron.steward(a)epa.state.il.us''

MTC–00027721

From: SEska20358@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:00am
Subject: Microsoft Settlement
JONATHAN ESKANDER
33 ARLINGTON RD.
SCARSDALE, NY 10583
January 27, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter today to express my deep concern over the antitrust lawsuit against Microsoft. I believe that the sooner this suit comes to a close, the better. We have spent countless taxpayer dollars on the frivolous pursuit of case and it needs to come to an end.

It is my opinion that the settlement that has been reached in this case is fair. Microsoft will design all future versions of its Windows operating system to be compatible with the products of its competitors. The company will also license Windows out to the top 20 computer manufactures at the same price and on the same terms. This settlement will be ensured by a three-person technical committee, which will monitor Microsoft's future business tactics and their compliance with the settlement.

This litigation needs to end. Please support this settlement. Thank you.

Sincerely,
Jonathan Eskander

MTC–00027722

From: Lester Housel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement
105 Lake Brantley Terrace
Longwood, FL 32779
January 27, 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 full support of the recent settlement between Microsoft and the US department of Justice. I think the lawsuits were unjustified in the first place and should have ended long ago.

The terms of the settlement do not even protect the consumer and reflect the intense lobbying efforts of Microsoft's competitors and the apparent lack of concern for the public's best interests by the lawmakers and politicians. For instance, Microsoft is forced to disclose interfaces and protocols that are internal to Windows'' operating system products. They also must grant computer makers broad new rights to configure Windows so that competitors can more easily promote their own products.

In spite of these flaws, I urge your office to finalize the settlement. The alternative of further litigation would be detrimental to our economy. I hope you suppress the nine states that want to drag this thing through the mud.

Sincerely,

MTC–00027725

From: Choi, Eunice Q
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:03am
Subject: Microsoft Settlement

The Microsoft settlement is more than just and fair. Please settle the case so that Microsoft will continue to deliver innovative software for consumers at a reasonable price.

This case was not a case to protect the consumers but a case for the benefit of the competitors.

MTC–00027726

From: SEska20358@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:02am
Subject: Microsoft Settlement Case
Maria Eskander
33 Arlington Rd.
Scarsdale, NY 10583
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take this opportunity to express my support for the settlement that has been reached in the Microsoft antitrust case. I feel that prolonging this lawsuit will only hinder the future development of business in this nation. This country and its success have been built by the hard work and entrepreneurial sprit of American businesses. This suit chips away at this very foundation.

The settlement that has been reached in this case is fair. Microsoft will design all future versions of Windows to be compatible with the products of its competitors; they have also agreed to cease any action that may be considered retaliatory. The terms will be ensured by a three person technical committee that will monitor Microsoft's compliance with the settlement. This settlement is the best option for America for the simple fact that it will bring this case to a close.

Microsoft is one of this nations largest employers, and continuing this suit is an imprudent move at this time. Thank you for your support of this settlement.

Sincerely,
Maria Eskander

MTC–00027727

From: Christine Scammon
To: Microsoft ATR
Date: 1/28/02 10:01am
Subject: microsoft settlement

Dear Judge,

I'm a concerned citizen who would like to voice her opposition to the proposed final judgment being considered in the Microsoft suit. Microsoft has used its Windows operating system to destroy competitors in other software markets, and every court has concluded that it has violated anti-trust laws. The proceeds of these violations is huge, yet this settlement does nothing to undo those profits, and if allowed to continue in these practices, it will certainly have serious consequences for the rest of the companies in this industry. If the proposed final judgment is adopted, Microsoft is the winner. I urge you to reject the proposed settlement.

Respectfully submitted,
Christine Scammon
Champlin, MN

MTC–00027728

From: Peter F. Dubuque
To: Microsoft ATR
Date: 1/28/02 10:05am
Subject: Microsoft Settlement

I am writing to oppose the proposed settlement in the antitrust case against Microsoft. The company has been twice found guilty of violations of the Sherman Antitrust Act. I believe the proposed settlement is grossly inadequate in preventing future violations of the law. It does nothing to ensure a viable software market in which companies other than Microsoft can develop an innovative new product without facing the threat of Microsoft rolling out a free knockoff embedded in the operating system.

It does nothing to ensure that alternative products have the information needed to interoperate with Microsoft products. It does nothing to address the fact that the consumer marketplace is impoverished by other companies'' inability to compete against Microsoft in the present state of the market. And it provides no significant obstacle to further violations of the law. (If the consent decree is violated, it gets extended two years...what kind of remedy is *that*?)

Any reasonable settlement should at the very least include the following:

- Complete and accurate documentation of *all* Microsoft file formats and interfaces, to allow competing products to operate in conjunction with them
- Prohibition of deliberate measures taken to prevent interoperability with non-Microsoft products
- Prohibition of anti-competitive pricing of Microsoft products (e.g. discounts on licenses to companies who agree to not use competing products such as Linux)

Ideally, I'd also like to see a ban on any product or company acquisitions by Microsoft, or any joint ventures with other companies that might allow Microsoft to leverage its monopoly to enter a new market (e.g. transaction fees for electronic commerce or home entertainment).

Microsoft has been found guilty of antitrust. I find it utterly unconscionable that the DOJ, having won its case, is willing to throw out years of work with the utterly inadequate settlement it has proposed.

Peter F. Dubuque—peterd@shore.net

MTC–00027729

From: Harold Holderith
To: Microsoft ATR
Date: 1/28/02 10:04am

Attached is a letter prepared by Microsoft which I have signed and which I wholeheartedly endorse.

Harold Holderith
565 55th Av N.E.
Saint Petersburg, FL 33703
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 take a moment to express some of my views regarding this case. I am a user of Microsoft products and a general supporter of the company. I believe that it is an example of the successes that can be gained under the free enterprise system. Although I do not agree with every decision that Microsoft has made, I do believe that it is entitled to its position as the industry leader.

There will always be those that try to litigate away pieces of a company's market share. We just have to be careful to recognize when consumer protection is used as a veil to hide return on investment. I concede that Microsoft has tried to block entry to the market by independent vendors, and in that light we should reprimand Microsoft. I believe the settlement your office reached with Microsoft provides the common ground. It is fair, reasonable, and extensive. I do see the need for further action at the federal level.

The settlement will force Microsoft to be a more responsible industry leader while allowing it to retain its competitive advantage. It has agreed to change the way it licenses, markets, and develops its software, as well as the way it deals with those that design or promote non-Microsoft programs. It will disclose various protocols and interfaces within Windows for use by the competition, and will allow non-Microsoft programs to be promoted in Windows.

It appears to me that the necessary corrections have been made to address the issues that brought about the lawsuits. We

must now allow the IT industry and the economy to move forward. This settlement is the tool. It has been three years and countless dollars in the making, and should be given a chance to work.

Sincerely,
Harold Holderith

MTC–00027732

From: travel3@netzero.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:03am
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,
D. Lewis
PO Box 9145
Bakersfield, CA 93389–9145

MTC–00027733

From: Barbara Fiegas
To: Microsoft ATR
Date: 1/28/02 10:09am
Subject: Microsoft Settlement: Proprosed Final Judgement Judge,

We are writing today to emplore you to take the Proposed Final Judgement and add some teeth. As the Court of Appeals has affirmed Microsoft had unlawfully and intentionally deceived Java developers and ''polluted'' the Java standard, we are asking you to restrict their ability to modify Java technologies and add punitive incentives for them to support computer industries standards.

As a small business, we appreciate the free market opportunities that exist here in America, and hope you will keep them firmly in mind as you make this decision.

Respectfully yours,
Barbara Fiegas
Swift Fulfillment Services
1A Glenwood Ave
Lynbrook, NY 11563
voice: 516–593–1198
fax: 516–596–2911

MTC–00027734

From: Gary Gordhamer
To: Microsoft ATR
Date: 1/28/02 10:09am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my dis-satisfaction with the current proposed settlement between the DOJ and Microsoft. I have been working in the information technology area for over 10 years now, and have seen the Windows platform grow from a limited use simple operating system, to a monopolistic control of the destop and mid-range server market.

Their growth has been through the use of legal and illegal business practices as shown by the verdict the recent and distant court cases.

The current proposed settlement does not seem to offer any form of monopolistic control as it would seem is required.

I tend to compare this to the monopoly of the phone system. When the ''baby'' bells were born, the only way they could complete was by strict adhearince to standards set by the goverment (FCC), and strick fines for not following these standards.

This allows me to choose from many differnt phone options, and phone hardware which I can purchase at many store from many vendors. Yet when I choose to purchase a computer, or computer operating system there tends to be only one option available. With fixed price, fixed features and limited compatible options.

The current settlement proposole does not offer a open fixed standard that is controlled external to Microsoft. It does not put into place a way to infuse the market with competing companies that will be able to deliver product to the supply chain as Microsoft can.

I would hope that one day I can visit my local Wall-Mart store and see a set of competing products on the shelf, offering various options and price points. Untill then I must still lease my computer from Microsoft and get only what they allow, much like the phones of the 1970's that I leased from AT&T.

Respectfully,
Gary Gordhamer
Owner / DBA
H&H Consulting services, LLC.
Waukesha, WI

MTC–00027735

From: Dale Beeman
To: Microsoft ATR
Date: 1/28/02 10:10am
Subject: Microsoft Settlement!
Dale Beeman
598 Foxwood Boulevard
Englewood, FL 34223
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

For quite some time now, I have been following the case against Microsoft filed by the DOJ. I am therefore quite familiar with the issues involved. Considering that this case has dragged on for over three years, spending an exorbitant amount of taxpayer dollars, I am very pleased that a settlement has finally been proposed. Though I strongly feel that the terms of the settlement are very harsh for Microsoft, I am willing to support this in the interest of putting this matter to bed.

Ending this lawsuit now is a very necessary action to help boost the sagging economy and revitalize the slowing innovations in the IT industry. In order to achieve the fastest close to this matter, Microsoft has agreed to terms that were not even found illegal in the lawsuit against them. They have also agreed to terms that have the distinct potential to limit their competitiveness. Microsoft agreements include the unprecedented move to share their internal Windows interfaces. Microsoft has also agreed to cease its more aggressive marketing practices.

This kind of settlement has obviously taken some time to draft and the terms of which should more than appease Microsoft's opponents. There is therefore no need to press this matter any further.

Sincerely,
Dale Beeman

MTC–00027736

From: Judy L. Powers
To: Microsoft ATR
Date: 1/28/02 10:11am
Subject: Microsoft Settlement

Gentlepersons:

It is absolutely amazing to me! AOL-Time-Warner is the king of the industry in keeping its customers captive by providing a whole ?city? of options to its bank of members (mostly first-time internet users), and then making it difficult for their less experienced members to get out of AOL to surf freely on the web. And these are the people crying ?sue the bastards? about the Microsoft Corporation? Isn?t this the pot calling the kettle black? Protracted and repetitive litigation is never a benefit to the public, and rarely to either client, just to the attorneys. Is AOL's counsel short on billable hours these days?

Thanks for listening. Let's stop the litigious behavior, thank the judiciary for its most diligent work and call it a day with the spurious afterthought suits.

Judy L. Powers
6593 Alleghany Court
San Jose, CA 95120
judylou@powerslink.com
CC:msfin@microsoft.com@inetgw

MTC–00027737

From: Walt Goodpastor
To: Microsoft ATR
Date: 1/28/02 10:11am
Subject: Support for Microsoft

Punishing successful producers like Microsoft is not only morally wrong, it is stupid and self-defeating. It rewards Microsoft's competitors, thereby assuring that consumers will be stuck with inferior products and services.

Free-market competition obtains the best results by rewarding the superior performers. It is a process of selection of the best, not a process for inclusion of the mediocre and inferior. Free-market competition is not the ''Special Olympics,'' and if the foolish people who insist on making it so are successful, the result will be a degradation of the quality of life for everyone.

MTC–00027738

From: howard—diamond@corpsoft.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:13am

Subject: Microsoft Settlement

The outcome of Microsoft antitrust case will be critical to the technology industry's future. Unfortunately for those of us in the industry, the remaining states want to prolong the case and impose broad, irresponsible remedies.

The Microsoft antitrust case has been a key factor in slowing innovation and growth in Massachusetts's technology industry. It was not mere coincidence that the decline of the industry followed in the footsteps of this case. With the future of Microsoft and the Windows platform in doubt, the case brought crippling uncertainty to the industry. Smaller entrepreneurial companies that have been the lifeblood of this industry were forced to hold back on innovations because of their limited research and development budgets. With fewer innovations coming out of smaller software developers and uncertainty as to the future of the platform, corporations also slowed their own IT spending.

To make matters worse, the state attorneys general who did not to join the existing settlement are pursuing remedies that will wreak havoc on the rest of the industry as they attempt to lock down Microsoft. By some accounts, they would require Microsoft to produce over 1000 different versions of Windows. For software developers, the testing of products for bugs and compatibility issues is one of the most expensive parts of product development. How will the garage-based software developer ever meet the demands of testing their products on all those versions?

If the attorneys general want to ensure a healthy future for the technology industry, they will join the Department of Justice and nine other attorney generals in the effective settlement already reached.

Further litigation will only continue the economic downturn and their proposed alternative to the settlement will likely result in further consolidation in the industry and the death of the independent software developer.

Howard Diamond

Chairman, Corporate Software & Technology

MTC–00027739

From: Clint Miller
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

Please see the following letter regarding the Microsoft Settlement:

Clinton Miller
8609 51st Terrace, East
Bradenton, FL 34202
January 26, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today with the hope that my views on this matter will play a role in bringing closure to the excessively overdone lawsuit against Microsoft.

After three long years of litigation, with its immoderate allocation of taxpayer dollars, I was very pleased to hear that the DOJ proposed a settlement last November. Bringing closure to this case will give the economy the boost it needs and give Microsoft the opportunity to get back into the game and stabilize the IT industry once again.

I have a hard time grasping what the dissatisfied states have issue with and why they continue to press for litigation. If they closely examine the terms of the settlement, they will see that Microsoft's concessions are more than fair. They have even agreed to terms and conditions that were not even at issue in the lawsuit. Microsoft's competitors should be satisfied to know that Microsoft has agreed to disclose their internal interfaces as well as provide licenses for their intellectual property. Over and beyond this, Microsoft has also agreed to create future versions of Windows that will allow for non-Microsoft compatibility.

To me, if the Government, Microsoft and the competitors are satisfied with the fairness of the settlement, this should be more than enough for formalizing it.

Let's do this soon, in the best interest of all parties involved.

Sincerely,

Clinton Miller

CC:fin@mobilizationoffice.com@inetgw

MTC–00027740

From: Mike Anderson
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

To whom it may concern,

Pursuant to the Tunney Act I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I will be brief here because I feel that others far more qualified and eloquest have already state the why's and wherefores of my position. Suffice it to say that I feel the proposed settlement fails completely to punish Microsoft for the anticompetitive practices that they were found to have employeed.

And on a similar note I also feel that there is no real enforcement of the remedies whih are put forth in the proposed settlement. The remedies which are put forth, being wholly inadequate in it's attempt to modify the business practices of Microsoft, are provided no real means of enforcement. The psuedo-enforcement provided in the proposed settlement amounts to an oversite committee with no powers to enact change except through the courts.

Thank you for your time. I hope that I have been able to add something positive the discourse.

Michael J. Anderson

Bartlesville, OK 74006

msbjs@swbell.net

MTC–00027741

From: Marc Garon
To: Microsoft ATR
Date: 1/28/02 6:02am
Subject: Microsoft Settlement

I am among the millions of computer system professionals who disapproves of the measures imposed against Microsoft, as they are woefully inadequate in proportion to the damage incurred on the IT industry.

MTC–00027742

From: John E Campbell
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

To the Department of Justice

I wanted to let you know that I strongly support the negotiatedsettlement of the Microsoft case in its present form. I urge you to support this result and feel it is very much in the public interest.

I will greatly appreciate your consideration of my comments and your efforts to help effect a final settlement along lines of that already proposed.

Thank you very much.

John E. Campbell Jr.

PO Box 537

Sanibel FL 33957

MTC–00027743

From: Michael Shuey
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: Re: Proposed Microsoft anti-trust settlement

Attn. Renata B. Hesse

Antitrust Division

U.S. Department of Justice:

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In particular, I would like to voice my concerns over section III D, API Disclosure.

It has been ruled (and upheld in subsequent appeal) that Microsoft has abused its monopoly power, particularly in the areas of operating system software and business applications. As long as Microsoft is able to modify the application programmer interface (API) secretly the company will always be able to prevent competing business applications from running at peak efficiency and to prevent non-Microsoft operating system code from running the latest Microsoft business software. Unless Microsoft is forced to openly publish the Windows API specification third-party developers will always be unable to compete on equal footing. A measure like section III D is necessary.

While section III D is a step in the right direction, the proposed remedy is far from an effective solution. The Windows API is one of the most complex software interfaces in use today—merely documenting it is a daunting task.

With such a large degree of complexity it is quite easy to omit certain details. In the current settlement there are no provisions to handle such omissions, whether they are accidental or intentional. As the Windows API evolves (witness the changes that occur with every major new release of operating system software) it would be very easy to again recreate secret, proprietary API extensions to restore competitive edge for Microsoft business software. Without some kind of regular auditing procedure for the Windows source code, performed by a well-funded neutral third party, there is no way to guarantee that complete, accurate documentation will continue to be made available.

Unfortunately, a third-party code audit would not adequately solve the problem. Currently, according to Definition A and

Definition J in the proposed settlement, the Windows API is limited to interfaces between Microsoft Middleware and Microsoft Windows, excluding APIs used by other programs or hardware device drivers. Without providing a broader definition of ''API'' Microsoft can easily avoid the API disclosure restrictions by merely claiming to have integrated a portion of their application software with the underlying operating system (such as in the case of Internet Explorer).

Futhermore, the definition (J) of ''Microsoft Middleware'' itself is problematic. The definition limits itself to particular versions of Microsoft software distributed via conventional channels. Newer versions of Microsoft software, or versions of existing software introduced though online services, may not be counted as ''Microsoft Middleware'' for the purposes of this settlement, effectively allowing Microsoft to extend their API to support their software without concern for API disclosure.

Without some signiciant revision to the proposed settlement, I believe that little will be done to prevent Microsoft from continuing to abuse its monopoly to limit the amount of choice available to the consumer.

Mike Shuey

MTC–00027744

From: Albert Fedorchak
To: Microsoft ATR
Date: 1/28/02 10:17am
Subject: Microsoft Settlement

I believe the proposed anti-trust settlement is not in the consumers best interest. Microsoft has abused their position and stifled compitition, created incompatibilties with other OS's and even with it's own OS. They should be broken up and auctioned off to the hightest bidder. Criminal charges should be filed for conspirasy to gain market share by illegaly abusing thier monopoly and some of the major player should go to JAIL.

Albert Fedorchak

MTC–00027745

From: acarter@irimicorp.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: Microsoft Settlement

As a tech entrepreneur for the the past 12 years, I've traditionally had little concern for how government could or might affect my business. With most small businesses, there isn't the time to follow legislation nor the resources to hire lobbyists as AOL, Sun, Oracle and Microsoft do.

However, the influence that government wields over our industry appears to be increasing and has finally forced me to take notice and get involved. Through my membership in the Association for Competitive Technology and other organizations, I have started to follow these issues more closely and, at least, attempt to voice my concerns with lawmakers. It's clear that small technology businesses can no longer afford to simply ignore the role government plays our industry, despite the likelihood they won't be heard.

Nowhere has this been more obvious than in the Microsoft antitrust trial. In the absence of an active community of small tech businesses, corporate behemoths that have branded Microsoft ''public enemy number one'' have claimed the mantle of ''Defenders of the Industry.'' Yet, their cries for further litigation and harsher remedies seem to be borne less out of concern for industry as a whole and more out of corporate self-interest. If they are successful, the result would be further damage to the entrepreneurial technology companies that are the life blood of the industry.

While it may go too far in some areas, the settlement agreed to by the DOJ, nine states and Microsoft addresses the real concerns of small tech businesses. The provisions that guarantee access to the information (API's and other code) necessary for developers, create transparent pricing, and force Microsoft to relinquish control of the desktop will ensure innovation and competition will continue to flourish.

The biggest benefit of this settlement, however, is that it finally puts this case behind us. While it has loomed over the industry, small tech businesses have been held hostage as the industry waits to see the outcome of the trial. The outcome of the case will have collateral effects throughout the industry and the threat of court-mandated technological changes has left small companies with larger partners having limited budgets for research and development in limbo. Many small companies find their success in Microsoft's wake. Minor penalties levied against a behemoth Microsoft, even in the form of handouts to Microsoft's behemoth competitors, will have deadly ramifications to small companies technologically on the edge and financially on the bubble.

Judge Kollar-Kotelly, I urge you to accept this settlement no behalf of the thousands of small tech businesses that need closure to these case, not continued litigation to benefit a few of Microsoft's largest competitors.

E. Andre Carter
President
Irimi Incorporated
CC:acarter@irimicorp.com@inetgw

MTC–00027746

From: Eleanor Polini
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: re: microsoft settlement

January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you today to support the Microsoft settlement. This settlement agreement contains provisions that extend well beyond the products and procedures that were actually at issue in the suit. After three years of needless lawyers and testimony, and another three months of intense negotiations with a court appointed moderator, this settlement has been reached and should be implemented.

The provisions of the agreement include requirements for Microsoft to dramatically change its business practices and to become accountable to the government and the industry. One of the most significant developments in the case is Microsofts agreement to license its intellectual property to competitors. The provision requires Microsoft to license that intellectual property, instead of prohibit the other company from using it. To ensure accountability and compliance with this settlement, Microsoft has agreed to submit its business practices and engineering to a three person, government appointed technical committee

These provisions, among others, will serve to increase competition and foster innovation inside the technology industry. I support the settlement, and want the country to move forward.

Sincerely,
Eleanor Polini

MTC–00027747

From: Hilton, Keith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:18am
Subject: Microsoft Settlement

This lawsuit needs to be settled now! While Microsoft may have gone too far in some of it's business practices, it's competition is using the courts and the politicians to fight, rather than doing it in the marketplace. It's hurting consumers and having a negative affect on the marketplace.

Keith Hilton
Verizon Information Services
Manager—Planning, Performance and Measures
Phone: (972)453–3763
Fax: (972)453–7961
keith.hilton@verizon.com

MTC–00027748

From: Melanie Reisenauer
To: Microsoft ATR
Date: 1/28/02 10:23am
Subject: Anti-trust suit against Microsoft

Dear Madam or Sir:

You must not use our United States government to attack a private company! If Microsoft has committed a crime (a real crime, i.e. real fraud or real coercion) then by all means fine them, jail them, etc... but to attack Microsoft for the reason that we all know they are being attacked—because they are ''too big/successful/profitable, etc..'' is immoral and goes against what the Founding Fathers of this country fought for; the freedom to educate oneself, learn a skill, enter the market with that skill and become successful (yes, even if more successful then the competition)—the American Dream.

To attack a company because of it's ability to be successful sends a very negative message to all entrepreneurial individuals; which by the way, without those individuals this country would not have the standard of living that it does today. The message states very plainly, ''Be careful! Do not become too successful! That which you have spent your life building with your own sweat, initiative, and hard work can be taken from you (by our own form of coercion) because we have the power and the guns.''

I would ask you, ''By what authority?'' How is it possible in the freest nation on earth that you are able to take up guns and the threat of a jail sentence or heavy fines and penalize someone/a company for their

ability to be very successful???? Success is not a crime and the instant you treat it as such you have moved us closer to becoming a socialist/communist government controlled state. Haven't any of you read any history? Don't you know that this is exactly what happened in Nazi Germany and Soviet Russia? Their ''governments'' (today we see them for what they were—thugs; thugs with guns and power) decided they had the right to simply take over private businesses, all in the name of ''the people''. Look where it got those ''people''. There ceased to be private business, no one could find a job, food lines, production as they knew it came to a halt, the ''government'' lived like kings while their ''philosophy'' ''for the people'' killed them!!

So I ask you again, ''By what authority?'' Do we need to destroy the last great bastion of freedom on this earth (America) with tyranny rule and socialist/communist policies just so that Bill Gates, and any others who have created wealth both for themselves and countless others will be ''brought down to a manageable size?'' And who arbitrarily and by what authority decides what is a ''manageable size?''

Again, ''by what authority?'' Answer that question honestly. If you do, your answer will be, ''By no authority.'' You are simply assuming the right to do this and yet you have none. Rights are bestowed onto the INDIVIDUAL to protect them (and their property/company) from majority rule, government coercion, mob rule, etc. All are just different names for the same group.

This is a very immoral and slippery slope that you embark upon. You should turn and immediately walk away from this slope, knowing that this country will be safe again from anyone spouting ''in the name of the people''.

Bill Gates is one of those ''people''. What about his rights? Does he not deserve the same protection from force/coercion/mob-majority rule? That answer is yes, not because he is extremely wealthy, but inspite of it. He has not committed a crime, he is not a criminal. He is a man with a vision and the fortitude to make it happen. Does our United States Government now have the authority to punish such men???

Anyone reading this e-mail, if you've even allowed yourself to read this far and haven't deleted it by now, should pick up a copy of Ayn Rand's : Atlas Shrugged and read it. It is where you will find the answer to the question: ''By what authority?''

A United States citizen,
Melanie M. Hoffman

MTC–00027749

From: Steve Edgecomb
To: Microsoft ATR
Date: 1/28/02 10:21am
Subject: Microsoft Settlement

I am a long time user of Microsoft products. They have always worked for me and been what I needed as a user.

Having said that, I think Microsoft has used less than savory business tactics to gain market share. I feel that Microsoft is attempting nothing less than complete domination of the PC software market. That is a strong statement I know. I will not attempt to recap any of the testimony that anyone has heard in this case. You know better than I what has transpired. As a user and as an IT Director, I make that strong statement from a cost basis. Microsoft releases software with a lot of features, and a lot of bugs. This is an attempt to rush to market. They then produce an ''upgrade'' which they charge for. Sometime, they charge a lot. Most often, the upgrade is what they promised would be in the first version.

I am all for better products and new features, but it should, number 1, work; and number 2, not cost a fortune to upgrade or to keep pace. I fear the price structure should Microsoft gain total control of this market. Even now, it is a confusing array of license structure, upgrade costs, service packs, and patches.

Steven H. Edgecomb
IT Director
Mutual Benefits Corporation
steven.edgecomb@mutualbenmail.com

MTC–00027750

From: Daniel Sells
To: Microsoft ATR
Date: 1/28/02 10:24am
Subject: Microsoft Settlement

Please Stop Wasting MY Tax Money!!!!!

This lawsuit is a huge waste of tax payer money. The federal government should use MY tax money to provide valued services to me and all Americans.

WHAT DOES ANYONE STAND TO GAIN BY SUEING MICROSOFT? Know one is forced to buy the Windows operating system, browser or any other Microsoft product. Apple Macintosh has been around for years and is a very viable alternative to the Windows platform for all who chose such. Linux is growing in popularity as another choice. I don?t understand why your DOJ is pursuing this. If other companies want to sue Microsoft, they have the courts to do so. Let AOL, IBM or whoever sue them WITHOUT USING MY TAX DOLLARS! The DOJ should step down and let the other companies battle this out as long as their willing to pay.

Thank you,
Daniel Sells

MTC–00027751

From: rdwelch@swbell.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:25am
Subject: Microsoft Settlement
908 Dutch Mill Drive
Ballwin, MO 63011–3548
January 28, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I understand that the Justice Department is presently soliciting comments from the public regarding the proposed Microsoft settlement.

I am a retiree who owns Microsoft stock. I also own two computers that are using the Microsoft operating system. I will soon own a third one. We have come to where we are in this technology due mostly to the efforts of Microsoft. I do not see that the Microsoft operating systems have hampered others from getting into the business. In fact I am writing this to you using the Netscape Messenger program.

It is my wish that you approve the settlement. This case has been pending for over three years, and during that time the offensive and advantage have changed hands too many times to count. The prospect of additional litigation offers only one certainty: uncertainty.

The settlement on the table takes away that uncertainty. While I am sure there will be some argument in the details, the agreement provides substantial opportunities for growth in the research and development of non-Microsoft software programs. Microsoft has agreed to eliminate restrictive activities in the areas of pricing, licensing, distribution and system configuration.

I hope that you see the wisdom of going forward with this settlement in the very near future.

Sincerely,
Roy D. Welch

MTC–00027752

From: Gwendalle Cooper
To: Microsoft ATR
Date: 1/28/02 10:26am
Subject: Microsoft Settlement

I strongly advise that the settlement already stipulated be accepted regarding Microsoft. Enough is enough.

Sincerely,
Gwendalle cooper

MTC–00027753

From: Gil Friend
To: Microsoft ATR
Date: 1/28/02 10:28am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to comment on the proposed Microsoft/DOJ anti-trust settlement. As a business executive at a company both highly dependent on computing technology and specifically involved in software development, I've come to the conclusion that this settlement is not in the public interest, and fails to remedies the problems that provoked the action in the first place.

The settlement leaves the Microsoft monopoly intact, with numerous opportunities to the company to effectively exempt itself from crucial provisions. The recently proposed ''donation'' to schools is just one example of how Microsoft can turn matters to their own advantage (in this case by decimating Apple's position in the education market).

In addition, the proposed settlement fails to address the critical ''barrier to entry'' problem, enabling Microsoft to maintain an effective ''lock'' on the applications market.

Consumers, not Microsoft, should decide what products are on their computers. The settlement must eliminate Microsoft's various barriers—business and technical—to allowing combinations of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without these remedies.

The Tunney Act provides for the Court to hold public proceedings, with citizens and consumer groups afforded an equal opportunity to participate, along with Microsoft's competitors and customers. I hope you will encourage those proceedings, and consider carefully how to proceed in this matter. Your decisions have great significance for the health of the US economy's most vital industries, by eliminating Microsoft's ability to illegal constrain markets and innovation.

Thank you for the opportunity to comment on this important matter.

Sincerely yours,
Gil Friend
President & CEO
Natural Logic, Inc.
PO Box 119
Berkeley CA 94701

MTC–00027754

From: Raymond Rider
To: Microsoft ATR
Date: 1/28/02 10:30am
Subject: Microsoft Settlement
4537 Amboy Road
Memphis, TN 38117–6101
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Thank you for your leadership in these trying times.

As a systems administrator I am directly affected by the setbacks in the industry. The American technology industry has been on hold since the inception of this suit three years ago. I have been without work since September 2000 due to a crash in the IT industry, for the most part a direct cause of the attempt to split Microsoft into smaller pieces. This has caused extreme problems in the American IT field. A once strong and promising field, in which America was the leader, has become a wasteland of ruined American companies and unemployed American professionals. The harmful antitrust lawsuit against Microsoft must end. This lawsuit is the cause of these problems. The sooner this litigation comes to an end the better it will be for America. Because Microsoft has agreed to settle on terms favorable to its competitors there is no reason to continue the suit. Microsoft has agreed to publicly document and disclose to its competitors the Windows operating system internal interfaces and server interoperability protocols. I can tell you that these are huge concessions of intellectual property rights.

Thank you for the work you have done in bringing about this settlement. Hopefully Microsoft and the rest of the American IT industry will be able to get back to business, and America can get back on its feet. Thank you.

Sincerely for American IT resurgence,
Raymond Rider

MTC–00027755

From: Sage M. Friedman
To: Microsoft ATR
Date: 1/28/02 10:28am
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to comment on the settlement in the Microsoft case. As I see it this settlement does not address the fundamental issues of Microsoft's aggressive and illegal behavior as a monopolist, further it gives Microsoft far to many opportunities to continue its behavior.

Among those issues not addressed is the barrier to entry for emerging operating systems, which will not be able to run any of the 70,000 existing application available on Windows. Consumers need freedom from intrusion by Microsoft into their computing choices. Microsoft has demonstrated a unwillingness to let consumers choose their own software, they have done this by including irrelevant software in with Windows. They have extended their monopoly into the realms of photo processing, forcing consumer to choose between Microsoft's stable of photo developers when developing electronic photos unless the consumer follows complicated procedure to find other options.

The remedies proposed by the Plaintiff Litigating States are far superior to the proposed settlement. I respectfully urge you to hold public proceedings under the Tunney Act to give citizens and consumer groups an equal opportunity to participate in this process.

Thank you
-Sage Friedman
-Richard Perl
Pacific Partners
1 West 67th Street, #500
New York
NY 10023

MTC–00027756

From: brandon rettke
To: Microsoft ATR
Date: 1/28/02 10:29am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Dept. of Justice
601 D. Street, NW
Suite 120
Washington, DC 20530–0001

Dear Ms. Hesse:

I write to you in support of the proposed Microsoft settlement that would direct millions of dollars to in-need schools across the country for much needed technology.

While much attention is given to the lack of technology in poor urban areas, we can not forget that many rural schools lack the even most basic technology in their schools. There are parts of rural Wisconsin that don't have 911 in every part of the county, or schools that don't have classrooms with phones, let alone computers.

Technology can be used as a wonderful teaching tool, and I encourage the U.S. Government to support the settlement as a way to get much needed money to our schools in need. Thank you for your time.

Sincerely
Brandon Rettke
3122 Glenhaven Place
Eau Claire, WI 54703

MTC–00027757

From: PHaw410653@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:27am
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,
Paul Hawkins
8931 Farley
Overland Park, KS 66212

MTC–00027758

From: john@mitre.org@inetgw
To: Microsoft ATR
Date: 1/28/02 10:31am
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 allowed under the Tunney Act, I want to comment on the settlement proposed to deal with the Microsoft anti-trust case. My main concern is that the proposed remedy fails to prohibit intentional incompatibilities historically used by Microsoft. In many documented instances in the past, Microsoft has purposefully made its applications impossible to run on competing operating systems. I believe that this is anti-competetive, given their admitted monopoly, yet the proposed remedy does not deal with this at all. See the following Web page for details of this: http://www.kegel.com/remedy/remedy2.html#caldera In general, I agree with the problems identified in Dan Kegel's analysis: http://www.kegel.com/remedy/remedy2.html

Thank you.
John Burger
Writing for myself

MTC–00027759

From: Rosemary Tracey
To: Microsoft ATR
Date: 1/28/02 10:31am
Subject: Microsoft Settlement

Leave Microsoft the opportunity to move foward. Terms of settlement are tough enough, do not reject settlement.

MTC–00027760

From: Stephen S. Messutta
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:32am
Subject: Microsoft Settlement

1/28/02: Several years ago, when I was desperately trying to convince my family that Mac was superior, my kids insisted they wanted the ''Magic Schoolbus'' programs, which were offered exclusively by Microsoft Home and supposedly worked on Mac and PC.

We eventually purchased 2 of the programs. One worked ''ok'' and the other did not, for no apparent reason. Nothing I did made it work. Microsoft offered tech support but only at a toll-call phone number. When I did reach tech support they could not help. What I learned about why one of the series would work fine and the other not, however, made me sick.

Microsoft was really a software ''broker'', buying or commissioning programs from different people but packaging them as their own. So you could have different programs with different glitches, nothing the same. If you bought a ''package'' or wrapped programs, such as Microsoft Office, the programs might not work with each other. In addition, they might issue the program to get the ''jump'' on someone else, whether the software was proven or not.

Thus you could have a program which had been designed for PC but which was offered on the same CD or disk for MAC, but did not work properly on a MAC machine. Sometimes it felt as though it was a conspiracy to make MAC users switch to PC just to get the programs to work right. I tested my theories because I purchased a MAC Performa 640CD, which had both a MAC platform AND PC platform—with MAC-OS on one side and Windows 3.1 on the other. What I felt began to happen, however, was that fewer and fewer programs were offered as MAC compatible, in order to get the programs out into the PC market quickly and beat Microsoft to the punch, because if the program was first offered as MAC compatible Microsoft would try to clone a deceptively similar version of it for Windows which did not function well or at all on MAC. If you destroy the software market, the demand for the hardware disappears . . . . What I also learned was that because MS-DOS was so cumbersome compared to MAC–OS, that more and more ''power'' was needed to run the ''Windows'' programs—resulting in the need for more and more powerful machines, resulting in extremely rapid obsolescence. To me this is a primary illegal and unfair combination. In terms of my 640CD, I witnessed the difference there as well: MAC-OS programs continued to work fine for upwards of 5 years. I had a lot of other software, such as Broderbund, for children, which was wonderful and educational, and with which I never had a problem, MAC or PC. After less than a year, however, Windows 3.1 was outdated because newer PC software required more power.

Especially as a member of my local school board, I feel that Microsoft deserves not only to be dismantled, but severely punished for effectively putting an unfair and unnecessary drain on our economy in its attempt to monopolize and destroy all competition.

When two brats—Steven Jobs and Bill Gates—have the power to manipulate the economy that way, enough is enough. They might as well have been named ''Armour'' and ''Swift'' and Upton Sinclair might just as well have written about the excesses of the software industry. I also believe that in an attempt to undercut MAC, PC began to rely upon cheap, inferior foreign components. Among other things, this resulted in a loss of jobs in a potentially rapidly growing sector of our economy.

Finally, I believe that the ''Microsoft'' scandal, as I would like to call it, has been more devastating than ENRON to millions of ordinary citizens who attempted to follow the prior administration's lead in ramping up to the ''information superhighway'', and that the entire system of issuance of patents and copyrights needs to be overhauled: if a person has the ability to create a ''superior'' program from which another can create an inferior ''clone'' but outmarket the superior product, there is something wrong with our system of protection for intellectual property.

Stephen Messutta
1043 Manor Drive
Wilmette, IL 60091
Messdad@aol.com
Cell/VoiceMail: 847.606.2782
CC:'rks(a)pcsintl.com''

MTC–00027761

From: Doug Clark
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

I want to add my request that the final settlement of the Microsoft case be based on much harsher terms than the ones now being considered. As a consumer I am concerned that Microsoft will again abuse the very lenient terms now proposed. As I see the new Microsoft XP operating system unfolding I am again seeing their monopolistic practices continue. An example, MS has now (or in the near future) ended all direct support for its past operating systems. This forces consumers to switch to the new and only other available operating system. MS has further begun a pricing strategy that will not allow consumers to buy their product outright at a reasonable price; which forces consumers to ''rent'' their products. Once this phase is complete, MS can raise the ''rental'' price at their whim. Thank you for allowing me to contact you.

Sincerely,
Douglas Clark
4107 Jefferson St.
Austin, Texas

MTC–00027762

From: Kenneth W Cochran
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

The current Microsoft Antitrust Proposed Settlement is grossly insufficient as a Remedy for their practices.

Thank you for your attention.
Kenneth W. Cochran, CDP
Alexander City, Alabama

MTC–00027763

From: The Salmons
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: settlement
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The boom in technology over the past ten has been the energy behind our economic prosperity. New innovations lead to confidence and spending among Americans. Our economy is need of assistance. Accepting the Microsoft settlement is the first step to economic recovery. The Microsoft Company and the Department of Justice have done an excellent job in finding the balance for marketing their product without endangering their competitors.

Please adopt the settlement and bring the issue to closure.

Sincerely,
James E. Salmon
Moab, Utah

MTC–00027764

From: Dean Barrere
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement
1200 Virginia Drive
Tipp City, OH 45371
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

This settlement is important to our economy. Our country must move on. As I am happily using the new Microsoft XP, I can only further express my concern regarding the delay in the settlement's approval. Of course, I release that much of the current delay is due to legal requirements, including the public comment period required under the Tunney Act, during which time I am writing now.

As I review the terms of the settlement, it seems that Microsoft is making a concerted effort to make beneficial changes in licensing and marketing of its world-renowned software. While it seems evident that the settlement only benefits all involved, I do not understand why there would be any further action taken on the Federal level. Why tie up tight budgets fighting a battle that has already been settled well?

Better to peaceably resolved disputes at relatively low cost and with a good spirit created, than to litigate disputes at high expense with only smoldering rancor created. As our economy is challenged, let us help promote the competitive nature of America, and help foster America's economic growth. Let's get back to business, and let the American IT industry help us get back on our feet. I thank you for your support of the settlement.

Sincerely,
Dean Barrere

MTC–00027765

From: Sudha
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

It does not make sense to consider Microsoft a monopoly. Titans like IBM and SUN have been the real monopoly for years—just check out any of their products like LearningSpace from IBM or Java.

1. Microsoft's products are VERY EASY to use as opposed to other products that have very difficult learning curves.

2. It is very easy to learn Microsoft product with EXTENSIVE help within the application, may books to choose from, and also on the web. On the contrary other products do not even have books. Training and support from other vendors are 10 times more expensive!

3. IBM and SUN have been the real monopoly. They always have ''pushed'' their products—I know for a fact from first hand experience. And when they ruled all were happy!

Sudha
Database Administrator
Department of Human Oncology
Telephone: 608.263.1549
Email: <mailto:sudha@mail.humonc.wisc.edu>
sudha@mail.humonc.wisc.edu

MTC–00027766

From: Burgess Allison
To: Microsoft ATR
Date: 1/28/02 10:33am
Subject: Microsoft Settlement

I oppose the Proposed Final Judgment:

* The Proposed Final Judgment fails to prohibit anticompetitive practices towards OEMs.
* 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 preserves Microsoft's monopoly power—which Microsoft has been found guilty of abusing.
* The Proposed Final Judgment does nothing to restore competition.
* The Proposed Final Judgment allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is not in the public interest.

It is astonishing that this settlement was arranged and publicized as being pro-business in the aftermath of September 11. The Proposed Final Judgment is only ''pro'' for one business—Microsoft. It is anti-business for hundreds of other companies and for the overall health of the IT industry.

The Proposed Final Judgment is also anti-law and anti-courts. Microsoft demonstrated during hearings before the court a wanton disregard for the truth, and for the respect due to federal courts and the US Department of Justice. Its representations mocked the court system and the Department of Justice. To reward such a company with this Proposed Final Judgment is nonsensical, and would hurt the long term effectiveness of our antitrust laws and the respect for our system of justice.

Not to put too fine a point on it, but if this Final Judgement is approved, Microsoft will openly gloat about the accuracy of Bill Gates'' prediction from 4 years ago, ''There is no fine, there will be no fine, no-one ever pays a fine.''

This hurts business and it hurts the justice system.

G. Burgess Allison
8301 Westchester Drive
Vienna, VA 22182
allisons@tidalwave.net
703–280–1477
Yes, I am a US citizen of voting age.

MTC–00027767

From: Kevin J. Burgam
To: Microsoft ATR
Date: 1/28/02 10:38am
Subject: Microsoft Settlement

The proposed settlement as it currently stands is bad idea. It will not foster greater competition, nor will it prevent Microsoft from monopolizing a truly great resource, the internet. Please stop it.

Thank you.
Kevin J. Burgam —
Kevin Burgam is a Technical Support Specialist with Datacomp Appraisal Services, Inc.

He may be contacted by the following methods:

email: kjb@DatacompUSA.com
phone:616–574–0480 x215
direct: 616–988–4215 or 877–407–0215
fax:616–574–0486
Datacomp Appraisal Services, Inc.
3215 Eaglecrest Dr. NE Ste.100
Grand Rapids, MI 49525–7046

MTC–00027768

From: MTsinis@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:39am
Subject: (no subject)

4 Spruce Drive
East Brunswick, NJ 08816–2017
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 PennsylvaniaAvenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

During the beginning ofNovember 2001, the Department of Justice, Microsoft Corporation, and ninestates, with assistance from a mediator negotiated the terms of a settlementthat will bring an end to the antitrust lawsuit. The suit has been going on for over three years, and I supportany agreement that will put this senseless suit to rest.

Per the settlement,Microsoft has agreed to design future versions of Windows to provide a functionto make it easy for computer makers, consumers and software developers topromote non-Microsoft software within Windows. The function will make it extremely to add or remove access to featuresbuilt in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change theirconfiguration at any time.

This is a good settlement for all involved, especially consumers. I support the settlement, and hope it isapproved as soon as possible.

Sincerely,
Marina Luzanskaya

MTC–00027769

From: weijianzhang@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:41am
Subject: Microsoft Settlement

I am sad to see that Microsoft competitors resort to political tricks to win what they lose on the market. Business competition should be resolved on the market not in court. I see absolutely nothing wrong with Microsoft business competitive tactics. People in Microsoft work like crazy and nobody in the world work as hard as they do. Let's not try to destroy the pride of an American business success. Otherwise, see what's happening to Auto industry.

We are losing the war on automotive. Aerospace, barely. Software is our last frontier and we are still maintaining the leadership status. We need the leader, the vision and more importantly, the pride.

CC:weijianzhang@hotmail.com@inetgw

MTC–00027771

From: candacehawthorne
To: Microsoft ATR
Date: 1/28/02 10:43am
Subject: Settlement

Dear DOJ,

I feel the settlement is fair and should be finalized as soon as possible. The Democrats are leading the march against Microsoft and I feel they are being over zealous and greedy. Microsoft has allot of cash and this suit opens the door for the leaches to come out.

Microsoft has won based on having better products, not how they were marketed or how business practices were handled. Netscape makes a sub standard product and always has. Computer users know what's out on the net to download and try and they do. Ninety percent of them choose Microsoft for ease of use, updates and great functionality. Please get the other nine states off of Microsoft's back. It's unAmeican and anit business to let the fleecing of Microsoft continue. AOL, SUNW and ORCL will have to compete on their own merits and quality of products just like Microsoft does everyday.

Microsoft has tons of competition just like everyone else. Microsoft is a LEGAL MONOPOLY. Please wrap this which hunt up and put an end to it. This is not helping the economy or American business.

Sincerely,
Candace Hawthorne
Metairie, LA 70001

MTC–00027772

From: DanceDEA@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:43am
Subject: Microsoft Settlement

Instead of praising a company such as Microsoft and Mr. Bill Gates for giving us the technology they have; there are envious and greedy companies that are always filing lawsuits because they are not as clever.

God Bless Microsoft.
Vickie Sheer

MTC–00027773

From: Edward Hejtmanek
To: Microsoft ATR
Date: 1/28/02 10:46am
Subject: Microsoft Settlement

to whom it may concern,

I am in the eighth grade and have been assigned to learn all that I can about the Microsoft cases, the current one and the one that started in the 1990?s. I typically sympathize with big companies and I am an avid user of Internet Explorer. I believe that if the states want to settle out of court, as they did in the first case, then that is a perfectly acceptable alternative and therefore the older case was settled fairly.

The new case of AOL-Time Warner and nine states versus Microsoft, is deserved on Microsoft's side. They used anti-competitive business practices to get over the Netscape Navigator. But the question is really is it a better system? If it is then it should have more of the browser market and deserves it. For example, I recently heard that AOL uses the Explorer as it's default for when you join. Why would they do that when they have their own browser, unless it is inferior to the Internet Explorer. So if it is a superior browser why are they taking them to court, they want Microsoft to not bundle the browser with the operating system? Fine, they won?t need to if it is a better system they will have the same, or more of the market. As John D. Rockefeller incorrectly said ?Combination [monopoly] is necessary.?

Edward Hejtmanek

MTC–00027774

From: Rick Davis
To: Microsoft ATR
Date: 1/28/02 10:44am
Subject: Microsoft Settlement

As a professional consultant who makes a living developing and implementing Microsoft based solutions for my clients I have to say that having a single, standardized browser is actually in the best monetary interest of my clients for the simple reason that they don't have to pay me to develop and test an Internet based solution across multiple, incompatible browsers.

A browser is similar to a TV—everyone agrees on the frequencies (standards) and then vendors produce products to take advantage of the standards. . . and, like it or not, since version 4.0, Microsoft has created the best browser on the market. So I think Microsoft actually did everyone a favor by making a superior product available for free.

Additionally, if you go back and read some PC Week (now eWeek) articles from ''96 & ''97 you'll see that Netscape was planning on adding operating system features to Netscape in a bid to increase its functionality. Microsoft had a dominant position in the desktop O/S market and needed a browser. Netscape had a dominate browser and needed an O/S. IBM, Novell and Apple had tried unsuccessfully for years to supplant Microsoft and failed—and believe me, as one who lived through it as a professional, it was due to the inadequacies of their products and not Microsoft's ''strong armed tactics''. At this point common sense should prevail and show that Microsoft only needed a good browser to send Netscape to the scrap head of software history—and that's just what happened.

This case has been a waste of taxpayer's money to the sole benefit of Sun and Oracle. As a tax payer I'd like to know why my money is being used to promote their agenda instead of letting the market speak for itself—as it clearly has.

I know Microsoft has been found guilty and I disagree with the arguments used to reach the conclusion as they are technically inaccurate... but that'' s now water under the bridge.

So I urge you to please accept this settlement, quit wasting my money, and get on to prosecuting real criminals.

Sincerely,
Rick Davis
President
Davis Computing, Inc.

MTC–00027775

From: schlatkm@maritz.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:41am
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,
Michelle Schlatre
7605 Westgate Blvd
Austin, TX 78745

MTC–00027776

From: Morris Richards
To: Microsoft Settlement
Date: 1/28/02 10:41am
Subject: Microsoft Settlement
Morris Richards
8605 East Mc Kinley Street
Scottsdale, Az 85257–4527
January 28, 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.

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,
Morris W. Richards

MTC–00027777

From: Lawrence, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:22am
Subject: Microsoft Settlement

I think that the Settlement as it is right now is a farce! Microsoft needs to answer for the crimes committed.

Mark Lawrence
Hospital Billing Clerk
Human Resources Health Center
Tel: (305) 638–6661 ext. 3060
Fax: (305) 638–6856
mailto:mlawren2@um-jmh.org
<<Lawrence, Mark.vcf>>

MTC–00027778

From: Scott Dawes
To: Microsoft ATR
Date: 1/28/02 10:46am
Subject: Tunney Act; 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. While many technologically astute industry insiders have harmoniously raised their voice in Anti-Microsoft fervor, the consumer has been largely unheard and is at risk of great harm by the lawsuit and the Proposed Final Judgment in United States v. Microsoft. I assert that the Proposed Final Judgment is not in the public interest.

In the days of Windows 3.1 and early in the era of Windows 95, Compaq Computers and a few other computer manufacturers loaded their own Graphical User Interface (GUI) on their DOS/Windows PCs. It was a disaster. Customers had to learn how to use each unique GUI. Manufacturers GUIs were designed to take over the computer desktop and were resilient to novice users attempts at removal or deactivation.

If there were other computers in the home or office, or at home versus at work or school, customers were confused and frustrated.

The manufacturers GUIs were typically poorly designed as opposed to the Windows

GUI, which had been thoroughly researched and designed. In addition to poor aesthetic design, the third party GUIs were prone to be buggy, exasperating hardware and software compatibility issues. Computer retailers and sales people had to spend a great deal of time at their own expense deactivating those GUIs. This was necessary in order to minimize product returns by frustrated consumers.

Even in those early days of Windows, the Windows 3.1 GUI was a vast improvement over the naked DOS environment or the Manufacturers GUI. The arrival of Windows 3.1 prompted an explosion of business in the computer industry. When CPM was young and DOS was new, we had to pay hundreds of dollars for even the poorest quality menial desktop application software. The industry had not caught on to the notion that software for consumers should be designed to the consumers liking and needs.

The pre-Windows computer industry had not been exposed to significant competition and we the consumers paid excessive prices for computer hardware, software and related services as a result. The software we got was generally overpriced and seldom performed as promised.

When Microsoft entered the OS and application arena, things began to change. Suddenly there was a savvy competitor on the scene who listened to their customers. Microsoft delivered applications that fit our needs at prices we could afford. Owning a computer no longer required a consumer to be hamstrung by software vendors and technicians who previously demanded exorbitant prices while failing to deliver promised results. Thanks to Microsoft, the time-honored notion of striving to deliver value and service collided headlong with an aloof industry formerly oblivious to such a precept.

Since Microsoft has entered the arena, the industry, though begrudgingly, has matured. Companies today must deliver as promised and at fair prices in order to survive. Though many were forced to become better companies as a result of Microsoft competition, the carping from carpetbaggers in the industry has continued unceasingly. With Microsoft Windows, a customer can take a new computer home or to the office and with no prior knowledge of computers, can be enjoying the fruits of the technology age within hours if not minutes. I challenge any novice to do the same with a UNIX or LINUX computer, an exercise that I propose every person involved in United States v. Microsoft should undertake. The exercise would quickly reveal that it is the comparative superiority of the Windows product and not trade practice that is responsible for Microsoft's phenomenal success. Microsoft has put the consumer in the drivers seat and the industry resents that fact.

The growth of the computer industry has outstripped the capacity of business legal jurisprudence. The Justice Department lawsuit against Microsoft has attempted to reconcile emerging intricacies of an industry that did not exist when the anti-trust laws were written. The Proposed Final Judgment in United States v. Microsoft, in it's attempt to punish Microsoft, risks punishing the consumer instead. It is apparent that the governments suit against Microsoft has persisted only as a result of a massive lobbying effort on the part of bitter competitors who were for the most part striped of their technologically tyrannical power over consumers.

Please do not return us to the dark ages by allowing equipment manufacturers to alter the functionality of the Windows desktop. Please do not discourage Microsoft from integrating intrinsic elements of business and personal computing into a single cohesive operating system. These things not only should be engineered and delivered by a single source, but must be delivered by a single source if computing is to continue to evolve. And lastly, please do not interfere with the computer users ability to send and receive spreadsheets, word processing documents and email documents seamlessly to other associates across the nation and around the world. As such would be the effect of placing inferior products at an artificial advantage by crippling Microsoft's ability to lead the technology in the consumers direction.

The problems you strive to resolve in your Proposed Final Judgment are a noble and justifiable cause, but are tantamount in this case, to burning the forest to prevent forest fires. The solution to all of the problems you embrace must be addressed in new laws and mandated standards designed to accomplish for all computer users what Microsoft has succeeded in providing for their customers. That is standardization of how the computer is used and how business and personal files and information are shared. In the vacuum born of legislative inaction, Microsoft has been forced to undertake and has accomplished this extraordinary task for their customers in spite of being confronted with an unwilling industry and a hostile government.

I beseech you to invoke whatever means are available and necessary to abate any potentially harmful effects against Microsoft in the Proposed Final Judgment or the Amended Proposed Final Judgment.

Failure to do so will ultimately and necessarily result in greater harm to the public whom you seek to protect.

Finally, aggressive anti-Microsoft email campaigns by embittered industry insiders are hereby rebuked and as such are not likely representative of the public or of public interests. Such campaigns are likely to be an exploitation of the justice system for purposes of financial gain and for resolution of personal grievances. I beseech you to consider and weigh them as such.

Respectfully,

Scott Dawes, Tulare, California, Computer user since 1979

MTC–00027779

From: Aaronson, AM (Alan)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:46am
Subject: Letter re Microsoft Settlement
<<Doc1.doc>>
Alan Aaronson
Akzo Nobel Functional Chemicals LLC
5 Livingstone Avenue
Dobbs Ferry, New York 10522–3407

This message, including attached files, is confidential and intended for the addressees only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you receive a message not being the addressee, please notify the sender by returning the e-mail immediately and delete the message.

January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in the chemical industry and use Microsoft's Windows on a daily basis. From my experience and in my opinion, Microsoft's Windows has become the standard operating system for business and personal computing.

The most reasonable choice for the Justice Department is to conclude the antitrust lawsuit with Microsoft and allow them to return to business with the terms of the settlement having been enacted. The government has aggressively sought to break-up Microsoft over the past three years. This offensive from the Justice Department has diverted attention from other ways of dealing with Microsoft's excessive tactics—including strong-arming competitors—that I have read about in the media.

I am pleased a settlement has finally been reached. As I understand them, the terms of the settlement require Microsoft to deal more fairly with competitors and not to retaliate in any way against vendors who want to use competitors'' software instead of Microsoft's. I feel that the terms Microsoft has agreed to serves their best interests at this time, and gives the competition reasonable means by which to win consumer loyalty.

The best action the Department of Justice can take is to end this onslaught against Microsoft for being very good at what they do. I think the best is yet to come from Microsoft, and this country's economic rise. I seriously urge the Department of Justice to accept the terms of the November settlement with Microsoft.

This opinions expressed in this letter are my own and are not meant to represent those of my employer.

Sincerely,

Alan Aaronson

MTC–00027780

From: Bill Herring
To: Microsoft ATR
Date: 1/28/02 10:47am
Subject: Proposed settlement between the Department of Justice and Microsoft

Dear Sirs and Mesdames:

I do indeed believe that Microsoft has in some cases been an overbearing competitor, and probably should be brought in line, but as a user of Microsoft products, I do not believe that Microsoft should be prevented from providing the software that we as a country have profited from.

I have used Microsoft program products for years as well as software from other producers. I find that Microsoft sets a standard that their competitors sometimes find it hard to meet. As a user, I value that they produce programs and systems that are

rich in function, of high quality, and are sold at a price that I can afford.

The fact that they have become a de facto standard, and that I can use their office products and exchange information with others without running into compatibility problems is also important to me, and is a major factor in my businiss use of their products.

By all means hold them to correct behaviour, but punitive actions that lessen their ability to meet their customers needs would be contrary to good business practice, and, I think, would cost us dearly as a nation and as an economy.

Thank you for your attention,
William L. Herring
System Administrator
Strategic Power Systems, Inc.
11301 Carmel Commons blvd,
Charlotte, NC 28226

MTC–00027781

From: Dean Stelow
To: Microsoft ATR
Date: 1/28/02 10:45am
Subject: Microsoft Settlement

Please proceed with the settlement as it currently exists. Its fair and has the added benefit of helping our kids in school get modern computers and software.

Thankyou,
dean stelow
nordev inc

MTC–00027782

From: wooljo@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:46am
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,
John Woolley
2324 Dolores Court
Pinole, CA 94564–1804

MTC–00027783

From: James Adams
To: Microsoft ATR
Date: 1/28/02 10:49am
Subject: Microsoft Settlement

Is this Microsoft ''compromise'' a joke? If that is the proposed solution you might as well save the taxpayers a ton of money and not even attempt to do anything to Microsoft. The only people this settlement will hurt is the end-users whether they are home users or corporate users.

I realize that a person with $80+ billion has a lot of influence on the American justice system but that does not give him the rights to mandate to every single PC manufacturer and PC buyer what we should be using. The only thing this ''compromise'' accomplishes is still giving Mr. Gates his money but also costing us the end-users more by having to purchase another ''option''.

If you truly want to make the industry fair and best for economy you would force Microsoft to actually have a choice. Let us buy a PC without shoving Windows and Office down our throats. Let us buy it with a non-Microsoft OS and not have to pay for Windows. Give a choice of one or the other or no OS at all. That is truly what the industry wants and needs to see.

Your compromise will in now way punish Microsoft at all. They still get their money. They still have their OS and Office on all PCs.

At the very least something should be done to slow down the release of new OSes. It costs American business a small fortune to keep up with a new OS every two years. Not to mention the IT professionals like myself that are trying to complete certifications it is nearly impossible to keep up with the new OS changes unless you spend $10,000 every two years to go to a ''boot camp'' to get your certification. Or even just to get familiar with the new changes in the OS. It is a tech support person's nightmare to keep changing OSes every two years.

Thank you for you time and I truly hope that more comes out of this case than the simple slap on the wrist that is proposed. I don?t know that I have a good solution either the only thing that I hope is that we are truly given a choice of operating systems on a PC and not have to pay for something we don?t want.

Thank you,
James Adams
Network Manager
Cashco, Inc.
607 W. 15th
Ellsworth, KS 67439
Phone: 785–472–4461 Ext. 182
Fax: 785–472–8543

MTC–00027785

From: Ron Coveney
To: Microsoft ATR
Date: 1/28/02 10:51am
Subject: Microsoft Settlement.

The Microsoft Settlement is not enough but a break-up is by far worse. What is needed is that they be regulated as a legal monopoly. This gives the government the ability to respond as needed when issues arise. Further, they could reduce the MS selling prices which has been a sticking spot. With what they pay out in dividends to still have over $35 billion dollar in cash on hand shows they are over charging. Again break-up is not an option. The problem with the industry was; all the different operating systems prior to DOS and making all their code public just helps hackers. Yes other companies need access to the code but it needs to be controlled and secure, thus regulation.

Ron Coveney

MTC–00027786

From: mark nesky
To: Microsoft ATR
Date: 1/28/02 10:52am
Subject: Microsoft Settlement

I firmly believe that Microsoft is a monopoly, and I hope they are prosecuted.

Microsoft is a colossal company, and as a consumer, I feel like their monopoly is much more far-reaching than just their web browser, Internet Explorer. And I am not referring to their flawed implementation of Java or the control they exert over computer manufacturers ability to configure the machines they sell. I am referring to their overall market pervasiveness, that my only choice for word processing and spreadsheet software is Microsofts Office program. And that I need to use the Microsoft Windows operating system to be compatible with the network where I am employed. There are alternative software programs to those offered by Microsoft, but often they are harder to find and less likely to be fully compatible with the software used by colleagues.

I believe a poignant example of their monopoly is the way they can intentionally make older versions of their software incompatible. What I mean is, when a few people upgrade to the newest version of a Microsoft product, their colleges must also upgrade if they want to be able to share files. Thus I could have a perfectly good piece of Microsoft software that serves my needs as is, yet be forced to pay money to Microsoft in order to maintain compatibility. THEY ARE BREAKING SOFTWARE I OWN, SOFTWARE THAT ONCE WORKED FINE.

A friend of mine who is a Linux programmer explained how Microsoft broke Excel files. My friend was writing a program that read in Excel files for use in an alternate spreadsheet program that runs on Linux. His study of two versions of the file format showed them to be exactly the same except a small tag in the beginning that stated the version of Excel that created the file. Because of this tag, older versions of Excel refuse to open the file, even though the file is fully compatible. Thus Microsoft used the file format to force Excel users to upgrade, even though the new file format is identical except for this tag!

A well-designed file format should transcend software versions. When a new feature is added to the file format, that feature can be tagged with a name when it is used. Thus a file that does not require the new feature will be identical to the old file format, and a file that does use the new feature can mostly be read by older software, which can read everything except the part with the new feature, which it will ignore. The practice of intentionally breaking older files is immoral. But since there are few alternatives to Microsoft software, people must buy and keep buying it.

Microsofts new subscription based business model is simply making their shady forced upgrades explicit. As described above, they are forcing people to upgrade to new versions by making older version incompatible. But with a subscription model, they will force us to upgrade because our

license has run out. The only reason they could get away with such atrocity is because they are a monopoly! From a prosecution point of view, perhaps the browser war with Netscape is a more clear-cut example of Microsofts monopoly. With Internet Explorer preinstalled and available in the start bar, the start menu, and on the desktop, it is clear that Microsoft is leveraging their operating system to promote their web browser. And with such a huge user base viewing the web through the Microsoft browser, Microsoft can sell default bookmarks to companies and promote its own wares through bookmarks and the default home page, furthering its monopoly.

Microsoft is so big and influential, that I worry that they will buy and cheat their way out of prosecution. I bet that their will be a disproportionate amount of pro-Microsoft email sent to the DOJ because Microsoft will be encouraging all its employees to flood this email address with praise. Microsoft will stoop that low, and if opportunity presents, much lower. If Microsoft is not prosecuted harshly, I fear the situation will worsen. They will get away with more and more, and their size and influence will grow. If their influence grows any more, there may not be an opportunity to prosecute again.

Their potential to influence has grown tremendously, especially now that they have bought NBC. I have not yet seen them abuse this power, but that is probably because I do not watch TV. But if Microsoft continues to grow, and even the news is delivered with a pro-Microsoft slant, there may be no hope for competition in the future. I believe that Microsoft has grown out of hand, and I really hope the government can stop this problem before it gets too late.

One proposed solution I heard in the continuing coverage of the trial was to break Microsoft into several smaller companies. Such a split might separate the operating system from other software programs. I believe such a split will be a good step in the right direction. But I hope that is not the only penalty imposed on Microsoft. Another part of the solution should be requiring Microsoft to standardize and make available their file formats and interfaces. All communication between Microsoft programs, across networks, and between programs and the operating system should be well documented. In addition, this documentation should be made available well in advance of the software that makes use of it, so companies can make their alternative products compatible the moment the Microsoft programs hit the shelves. If the alternative software is fully compatible, then I believe it will have a much better chance of surviving. And I think that increased compatibility will benefit the software world in general. Standardized interfaces and file formats will make sharing file across versions, platforms, and vendors much more reliable. There will be much more competition and innovation.

Recently Microsoft proposed a settlement to the case brought against them by the states. The settlement proposed by Microsoft would not help, Microsoft offered to give a large dollar amount of their software away to schools. Fortunately, I think that the states saw through this ploy. This would not be punishment; this would simply be Microsoft furthering its monopoly! Microsoft would have extended its user base to many more people. And when these students left school, they would expect Microsoft software in the work place, because that is all they will have known!

If Microsoft escapes prosecution, it will only be because they are so big and influential. How ironic. Please do not let this happen!

If I sound biased, it is because I feel like I have been forced to use Microsoft products. There is little choice. And the choice there is, is obscured by a lack of money for marketing. When I mention alternative operating systems like BeOS (which recently went under) people dont know what I am talking about. Likewise, few people have heard of other office vendors. Some of the alternative programs are better and cheaper, yet they go on unnoticed. I am strongly opposed to Microsofts monopoly, but I want to be clear that I do not work for any competitor. Neither my employer nor myself stand to benefit directly from the prosecution of Microsoft. But I believe the whole United States will benefit if this monopoly is stopped.

Thank you for giving me the chance to express my opinion.

I hope that justice is performed fairly. And I hope the outcome is determined by what would be best for this country and its people.

Sincerely,

Mark Nesky

MTC–00027787

From: Dan Rosenthal
To: Microsoft ATR
Date: 1/28/02 10:53am
Subject: Microsoft Settlement

Microsoft is a tough competitor primarily because it's products are functional and always improving. The reliability and compatibility of their products has brought order to a chaotic software market.

Standards are necessary in every market: the standard distance between tracks beneath railway cars allows trains to cross our country regardless of the rail provider. The standard number of volts and the shape of outlet receptacles allows appliances to be used safely regardless of the corporation that builds them or that generates the electricity. (This is been standard in-country, but not world-wide, causing a need for special plugs when traveling).

Microsoft is setting national and international standards because it manufactures customer-preferred products. Customers have voted for Microsoft by using and purchasing their software. We should encourage such an innovative company...not penalize it for it's success.

Dan Rosenthal

Columbus, Georgia

MTC–00027788

From: Jim Worthington
To: Microsoft ATR
Date: 1/28/02 10:53am
Subject: Microsoft Case

I believe strongly that the penalties for Microsoft's antitrust misbehavior need to be sufficient to strongly discourage such behavior in the future. Microsoft's competitors have been seriously wronged by its illegal tactics. Microsoft does not appear to believe it has done anything wrong despite rulings to the contrary and continues to act in similar anti-competitive ways.

It is important to restraint the company's behavior in order to create a competitive software environment. I hope that you will rule accordingly.

Sincerely,

James M. Worthington

President

WorthSoft, Inc.

MTC–00027789

From: pixel fairy
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: Microsoft Settlement

my comments have two focuses. I'm certain you have already read much of why the proposed remedy will have little effect on the practices. i have found nothing in the proposed remedy to repair the damage and restore the market place. my first concern is what Microsoft hides and from whom. while implementation is intellectual property, the apis, protocols, and formats should now be publicly available for reasons described below. ive also included a comment about the scope of the settlement.

in section III.I the formats, apis, and protocols need to be publicly available, this is the only way to really lower the barrier of entry to anyone who wants to make compatible software, and is especially important to developers of free software. in its current form, Microsoft can exclude certain parties such as free software developers. also section III.D mentions MSDN as a delivery channel. this would force developers to sign up for Microsoft services in order to obtain the information. the information should be mirrored by at least one independent third party. section III.J.2 is especially dangerous as discussed below.

because Microsoft has illegally dominated the desktop operating systems market, competitors should now be able to make thier software compatible at the api level, which is why the operating systems api needs to be public knowledge so that third party implementations (win32 emulators, compatibility layers, etc) can be developed, removing that barrier of entry. this is very important as windows compatibility has become essential for any commercial desktop software to survive or operating system to be viable to a large market.

any deviance from the published api should be carefully appraised, and documented and fixed in timely manner. a hard deadline should be set for at least documenting any error in Microsoft's implementation to allow outside developers to know about and work around such.

III.J.1 can be abused, if left in the settlement should be watched very carefully by the TC, but preferably taken out. implementations of well designed security protocols are just as effective if the implementation let alone the api is exposed. this clause could easily be used by Microsoft

to continue to use secret interfaces in thier products.

III.J.2 need to be taken out as it is very dangerous. it could easily be abused. Microsoft should not be able to set the standards on who can access thier api documentations for the reason set above and because this clearly allows Microsoft to decide who can and can not be privy to the information. Any organization or individual that Microsoft deems a credible threat would be denied access to the information, or at least delayed until it the protocol was changed. this was probably included by Microsoft lawyers as a way to counter the threat of free software or open source developers and has no value in restoring competition or redressing the damages done. Microsoft should only be allowed to use thier patents or copyrights defensively and this restriction should also extend to any companies owned by Microsoft. This idea is discussed by the gnu project at http://www.gnu.org/philosophy/microsoft-antitrust.html

Microsoft has recently acquired some of the ip regarding opengl from sgi. opengl is an open 3d graphics library used on many platforms including windows. its in competition with Microsoft direct 3d which only runs on windows. if Microsoft used this to inhibit development of opengl or tie it to windows directly or indirectly it would have a horrible effect on the computer graphics industry.

The settlement only applies to desktop software. microsoft is also in other bussiness and has other software departments that are related, and thus the settlement should apply to all of the corporations software.

MTC–00027790

From: Tacke
To: Microsoft ATR
Date: 1/28/02 10:52am
Subject: Microsoft Settlement

Department of Justice
Washington, D. C.

Ladies and Gentlemen:

I believe the proposed settlement should be approved by the Department of Justice.

I have thought from the outset of this litigation, and continue to believe, that this action by the government was unwarranted and motivated by political interests led by Sun Microsystems and Oracle. The nine states objecting to this settlement are also aligned with these political interests. More recently, AOL Time Warner, a significant Microsoft competitor, has piled on.

To alter this proposed settlement as advocated by its opponents would do nothing but weaken Microsoft against these powerful rivals. And, their gains would not have been as a result of their innovation, vision, or management skills, it would be because of unwarranted government intervention.

Microsoft's activities have not harmed consumers. To the contrary, consumers and the US economy have benefited enormously from Microsoft's innovation and persistence. To alter the proposed settlement with the result of weakening Microsoft against its competitors would harm consumers.

This litigation has been a waste of taxpayers'' money.

Approve the settlement and let the free market system work.

Respectfully submitted,
Stephen P. Tacke
4943 Sandestin Drive
Dallas, Texas 75287
CC:'Steve Tacke''

MTC–00027791

From: cocacola@essex1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:54am
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,
Randall Stogentin
4013 W. Ogle St.
Dixon, IL 61021

MTC–00027792

From: Judy Thornburg
To: Microsoft ATR
Date: 1/28/02 10:56am
Subject: Microsoft Settlement

I feel the whole law suit was frivolous from the very beginning. This country is about competition and being innovative. If a company falls behind is is probably do to the lack of the above two things.

I use a Apple computer. A couple of years ago I had a Permorma 5215CD, with an older operating system, it got so I could not get Netscape product to work on it, Microsoft Explorer did, so when I purchased an iMac I went to the Microsoft product because it worked on my older computer! Government needs to keep its hand out of the running of business in this country.

Judy Thornburg

MTC–00027793

From: ergeorge@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: The proposed MS Antitrust Settlement is INADEQUATE!

The current proposed Microsoft antitrust settlement is completely inadequate to address the abuse of monopoly power that Microsoft has perpetrated in the past decade. In particular, I feel that the only way to redress this grievence, and open the market to competition is to open the Microsoft APIs and protocols, and to protect all OEMs from microsoft retaliation for shipping systems with competing operating systems.

The open API clause in the existing agreement is flawed on several counts:

- The term ''API'' is defined so narrowly that several important protocols and platforms are not included at all. The most important of these are the MS Office document formats, and the .NET platform.

- The settlement requires Microsoft to release API documentation but it prohibits competitors from using this documentation to help make their operating systems compatible with Windows. So, what exactly is the point of releasing the APIs, and how would this distinction be enforced?

- MS is not required to release the APIs and documentation before the products are released. This means that competitors are constantly playing catchup, and microsoft can effectively change the rules at will to deliberately destroy compatibility with competing products. I would reccomend that the APIs and documentation be publically published, without restriction, at least 3 months prior to the release of any product using those APIs.

On the question of OEMs, the settlement allows microsoft to continue discriminating against small ''white box'' OEMs that account for a large proportion of system sales. In my opinion, all OEM sales should clearly break out the cost of the operating system from the cost of the hardware, service, etc.

Please do not let this settlement go forward.

Respectfully,
Eric George
Colorado Springs, CO

MTC–00027794

From: Pradipkumar Ramanlal
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: Microsoft Settlement

This comment urges the presiding judge to reject the proposed settlement.

Little in the proposed settlement between ''The Government'' and ''Microsoft'' addresses one of the most perverse actions that Microsoft can take to

(1) impede competition,

(2) further strengthen its windows monopoly,

(3) stifle innovation and

(4) harm the consumer

The issue pertains to Microsoft's ability to bundle software. Microsoft has steadfastly maintained there should be (little or) no restriction on its ability to ''innovate'' (i.e., to add additional features to the Windows Operating System like Internet Explorer and Windows Media Player).

Unless the issue of bundling is adequately addressed is any settlement, the following scenario will almost certainly prevail:

Innovators generally have a strong interest to expend large amounts of resources (money and talent) to create middleware because of the hugh market that exists and the potential for windfall profits if successful.

But innovators are cognizant of the fact that the risk-rewards structure is extreme: winner-take-all.

Innovators are also cognizant of the fact that there is a significant advantage to being first-to-market.

Thus success demands aggressive competition and a quick outlay of large

amounts of resources. It is just such innovation and tactics that brought about technologies of significant value to consumers: the browser (by Netscape) and the streaming audio/video (by Realnetworks).

It a competitive system, innovators are willing to take hugh risks if the potential for hugh rewards exists.

But Micorosoft, by using its monopoly power, has successfully decoupled the rewards from the risk. It has found a way to lay claim on the reward following its discovery, while assigning the costs associated with unearthing this discovery to the original innovator.

How is this possible?

A big part of the innovative process is to uncover the product or service consumers demand most. To that end, innovators expend valuable resources on inventing all kinds of products and services since initially it is unclear which one will ''click'' with consumers.

Microsoft has simply to sit back and let all the innovators in the market do their creative work and expend their resources. Once the dust has settled, and the winning product or service is revealed, Microsoft steps in and creates a product to compete solely with this winning product. In a competitive system, such a strategy would be futile lacking the ''first-to-market'' advantage. But not so for an entrenched monolpolist.

By bundling its competing version of the winning middleware to the operating system, Microsoft has the benefit of offering a winning product without having incurred the true expense incurred in uncovering this winning product, which is the sum of all the resources spent by all innovators in total in uncovering this product (most of them of course unsuccessfully).

Traditionally, Microsoft has bundled this winning software into the operating system so that consumers have the perception that they get it for free. What is being done is that Microsoft garnishes the product from the innovator and passes it on to the consumer at no charge.

Why shouldn't the govenrment be happy if the consumer gets something for nothing? First, it stifles further innovation since innovators now understanding there are no rewards to taking hugh risks.

Second, with more and more winning middleware products added to the operating system, the Windows monopoly becomes further entrenched at a disproportionately low cost to Microsoft. Third, with all future innovators deterred from the market, consumers must rely soley on the innovative power of the monoplist.

Of course, there is the proposed remedy that Microsoft offer different versions of the operating system at different prices to afford the winning middleware innovator the opportunity to profit.

This remedy is vastly subject to manipulation by Microsoft because the costs and revenues are decoupled.

Costs are determined by the cumulative labor expenses of the industry as a whole and the success likelihood of any one firm, while revenues are determined by whatever Microsoft sees fit to set the price differential between the two versions of the operating system, one with and the other without the middleware.

Proposed price differentials based on the length of code are also subject to manipulation given that Microsoft can make ite base-version operating system any length is chooses.

These is also the issue of when the APIs are made available to the outside innovator and microsoft internal developers for software upgrades of this winning middleware. They must be made available at the same time.

Of course, microsoft is apt to claim in future, as it has in the past, that the added winning middleware is now an ''integral'' part of the operating system and therefore the playing field with respect to API disclosures will not be level.

The only remedy to ensure future innovation persists is if Microsoft competes on the same terms as all the other innovators in generating new and winning middleware.

In the least disruptive way to microsoft, this can best be accomplished by requiring microsoft to form a wholly owned subsidiary with whom microsoft has a public and transparent arms-length relationship on the same terms offered to all competitors producing bona-fide competing middleware.

Sincerely,

Pradipkumar Ramanlal

Associate Professor of Finance

University of Central Flroida

Orlando, Florida

MTC–00027795

From: Burton W. Phelps
To: Microsoft ATR
Date: 1/28/02 10:59am
Subject: Microsoft settlement

Please read the attached letter.

Burton W. Phelps

Support the NFA. E-mail your Congressional Representatives and support the NFA budget and ask for more personnel to do the job.

Go to www.mrsmith.com for Congressional e-mail addresses.

1213 Lorene Drive, Pasadena, Maryland 21122–4895

410–437–1990 Fax 410–360–7043 E-mail: ics1@cablespeed.com

January 28, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter, it is essential that I show my support for the settlement but also for the company's return to developing new products. Microsoft has done a lot for the technology industry and is responsible for leading the way in software development. They should not be chastised for coming up with the most innovative ideas and the best products. In this light, Microsoft is the embodiment of the American dream to achieve success. We should embrace this accomplishment instead of discouraging it. This celebration of success can begin with the end of the Microsoft Antitrust case.

Three years have passed since the beginning of this case and it has taken the Department of Justice and Microsoft too long to reconcile differences. I am confident that the terms of the settlement are a result of careful analysis that will best serve the interest of all entities involved. First, Microsoft has agreed not to retaliate against those that directly compete with Microsoft as well as those who support those competitors. In addition, Microsoft has agreed to grant computer makers the right to remove consumer access to features of Windows and instead replace those features with access to non-Microsoft software programs. Furthermore, Microsoft has agreed not to enter into any agreements that will obligate any third-party to exclusively endorse any Windows technology.

As you can see, the Department of Justice has taken extreme care to resolve this case to the best of its ability. The terms involved are reasonable and fair in the eyes of the public, the State, the IT industry as well as the economy. Clearly, the best course of action to take is to end the settlement.

Sincerely,

President

MTC–00027796

From: jrkjr@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:00am
Subject: The Honorable Department of Justice:

The Honorable Department of Justice:

I would like to express my opinions regarding the Microsoft case. Since all the evidence points to the fact that Microsoft was guilty, why not let them pay their fine and the world could back to business. The Attorney Generals of the dissenting States should look at the problems in their own backayrds, instead of prolonging this issue. Most States these days have budget deficits, so what is the benefit of directing additional time and resources to this matter. I'm sure if you polled most consumers, myself included, they would not feel terribly slighted by the Microsoft actions. If I were due compensation, I would donate the money to Homeland Security, which is something really important!

Sincerely,

J. R. Kot Jr.

MTC–00027797

From: Andymo13
To: Microsoft ATR
Date: 1/28/02 10:59am
Subject: Microsoft Settlement

As an American citizen having watched this case go on and on for far too many years at the urging of Microsoft's primary competitors, it is time it is put to bed. The settlement is fair and reasonable.

While the competitors may still be complaining, there has never been any proof that consumers have been harmed in any way. Let's stay focused on the consumer and encourage big corporate tech companies to do so as well. They and all of us would be better served by better products, than by more law suits.

Approve the settlement. Let Microsoft get back to doing what it does best, serving their customers.

MTC–00027798

From: Jeffrey S. Smith

To: Microsoft ATR
Date: 1/28/02 11:00am
Subject: Microsoft Settlement

To Whom It May Concern:

I have been watching the Antitrust Suit that was brought against Microsoft since it was filed with great intrigue. Since public opinion has been welcomed, I would like to give my input.

I have worked in the Electronic Security Industry for the better part of 23 years. The last 7 years I have worked for a Software Development Company that specializes in Computer Software and Hardware for the Electronic Security Industry. Until recently, we did not develop or use any of the Microsoft Operating Systems for development of our software. We have always purchased the computer from companies like Everex, Premio, Digital, Compaq, etc. Until the Antitrust charges were filed, we were forced to buy Windows Operating systems along with the machines. Bare in mind, we never ordered the hardware with even a hard drive in them, but we were forced to buy the operating system because as I was told by all of the companies we purchased from, ?That the agreement that they have with Microsoft states that they have to sell a Microsoft Operating System with every computer sold?. 4 or 5 years in a row, we would end up donating 200 to 300 new operating systems to some local vocational schools since we could not resell them, as they were OEM versions of Windows. Obviously, this is just one of many scenarios that Microsoft seemed to have created and fostered into the current situation. I feel that scenarios like this are why the DOJ did the right thing in bringing the Suit against Microsoft. Obviously, scenarios like this are clearly anti-competitive and a win/win situation for Microsoft. They get to make a sale even though us and other companies had no intention of using their Operating System. Hardly seems like Freedom To Innovate as Microsoft has said.

In my opinion, they should not be broken up. I feel that more damage would come as a result if they were, economically as well as technology wise. However, I feel the penalties need to be much stiffer than what is proposed currently for the settlement. The financial penalties are not nearly stiff enough. They should not be allowed to give computers to schools as part of the settlement since this will obviously hurt Apple with their excellent school program that until now Microsoft has not really cared about. Possibly donations to charities or other worthwhile causes would be good as part of the settlement. Microsoft and other companies need to remember this case as a reminder of how not to do business. The only way to do that is to hit them in the wallet and possibly some sort of log term Federal oversight for a few years to keep them honest. (If that is possible).

I truly feel Microsoft is an amazing company and a lot of the Technology that we have at our fingertips is thanks to them. They should have the Freedom to Innovate, putting a stranglehold on the bulk of the Technology Industry is not Freedom. There truly is no other game in town currently as far as the technology goes. However, if Microsoft would have been allowed to continue several years ago, there would never be a chance for any other company to even attempt to do what Microsoft has done. If things are done right in the settlement, maybe there will be some new players in the game.

Sincerely,
Jeffrey S. Smith
Operations Manager
Bold Technologies Ltd.
(847) 625–7700 voice
(847) 625–5500 fax
A Bold Group Company
Chicago London Rotterdam
www.boldgroup.com

MTC–00027799

From: Brian Filipiak
To: Microsoft ATR
Date: 1/28/02 10:57am
Subject: Re: U.S. v. Microsoft: Settlement Information

Hello,

I am writing to let you know that I feel the proposed settlement is inadequate in many respects, specifically with regards to proposed remedies regarding what Microsoft would provide to school districts. This would only *enhance* their monopolistic practices, not rectify the problems. Please reconsider the actions you have proposed, and look to some of the other useful suggestions proposed elsewhere.

Sincerely,
Brian Filipiak
Brian Filipiak
Teacher Education
313L Porter Building
Phone: 734.487.7120 x 2645
Grant Associate
College of Education
Eastern Michigan University
Fax: 734.487.2101

MTC–00027800

From: Hull, Tom
To: Microsoft ATR
Date: 1/28/02 11:03am
Subject: Microsoft Settlement

As a customer of Microsoft, I strongly support the proposed settlement. I believe that Microsoft products offer excellent value and have improved my productivity at my office and my home. Also, as a believer in the capitalist system, I am very concerned about harsh remedies being imposed on a company which has demonstrated shown true entrepreneurial vision. Without the leadership of Microsoft, the digital communication system that we function on today might not have been achieved.

MTC–00027801

From: Kuzdas.Tommy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:01am
Subject: ''Microsoft Settlement.''

Tommy D. Kuzdas
7205 West Marine Drive
Milwaukee, WI 53223
Email: tommy.kuzdas@wepco.com

Dear Sir, as a concerned citizen in the state of Wisconsin I have been tracking the Microsoft case with some interest. As a consumer I was very, very angry with microsoft for dictating to me what software would be loaded on my computer. I am still very angry with being forced to accept Internet explorer and other Microsoft products as a condition of buying a computer.

I believe the aggreement that the federal government is trying to force on the states is totally unacceptable for the following reasons: 1. Microsoft is not forced to admit guilt. Microsoft was convicted of being a monopolist and of abusing its power in violation of both articles of the Sherman Anti-trust act. This conviction was upheld UNANAMOUSLY by a seven judge panel in a federal appeals court. In addition the U.S. Supreme Court has turned down Microsoft's appeal. Has any defendant convicted of a crime ever been able to bargain their way out of a conviction? I find this concept to be repugnant and outrageous! Furthermore, Microsoft was given every opportunity to change its conduct over the last seven years. Microsoft deserves no sympathy! My smpathy is reserved for Microsofts victims. Finally if this conviction is overturned the ability of the computer industry and of consumers to recover damages will be all but destroyed.

2. Microsoft should have absolutely no say in how they are to be policed and regulated. The job of the technicle monitors should be to uphold the interests of the public and of the rest of the computer industry. Microsoft's interest is in maintaining its Monopoly and continueing to strangle the rest of the industry through tactics of extortion, exclusive contracts, and product tying.

3. The aggreement should be open ended with regards to time. I do not believe that any company over the next five to seven years will be able to directly threaten Microsoft's monopoly. A serial killer when convicted gets the key thrown away. Microsoft should be treated the same. Not withstanding comments later in this letter, I feel the aggreement should last at least ten years with the provision that if Micosoft violates any part of the aggreement it gets extended for another 10 years. Microsoft should also be reguired to pay all reasonable costs for required enforcement actions.

4. The aggreement lacks teeth. Microsoft conduct reflects a total disreguard and contempt for our justice system. Assessing a fine of a million dollars a day or even ten million dollars a day means NOTHING to Bill Gates. I believe that Microsoft should be required to forfiet their copyrights to ALL of their operating systems (DOS versions 1.0—6.0, Windows, Windows 3.0, Windows 95, Windows 98, Windows 2000, and Windows Melenium)if they are ever found in contempt for violating the consent decree and that such judgement would be final and not subject to appeal. I do not mean the government now owns Windows. I mean the copyrights cease to exist.

Windows and DOS becomes freeware availible to be used as individual companies and individuals see fit.

5. Microsoft may argue that such a penalty is too harsh. My rebuttle would be to simply point out that based on their past behavior strong motivation is required to ensure compliance with the consent decree.

Microsoft needs to stop walking the line, stepping over, then becoming good boys

again when their errors are pointed out. I would recommend that the anti-trust compliance officer be given power to disaprove of any contracts he believes violates anti-trust law , and that such contracts be reported to the justice department. The software industry and the federal government should get to decide who fills this important post. Microsoft should also be advised that they would be expected to obey the consent decree in spirit as well as word.

In conclusion I would like to say the following:

I believe that Microsoft should be held accountable for violating the Sherman Anti-Trust act. I believe that the copyrights to all of Micrososft's operating systems should be disolved because Microsoft used their copyrights in a manner which violated the Sherman Anti Trust Act. This action would be simple, severe (the equivilent of a 500 billion dollar fine), and would end Microsoft's monopoly power. This punishment would send a strong message to the computer industry. (A message I believe the industry wants to hear). The computer industry would be able to make competing operating systems by decompiling and reverse engineering Windows. This punishment would also created the paradign shift which Microsoft fears. A shift that I believe the computer industry desparately wants and that would have benifitted consumers. A proliferation of operating systems based on Windows API's would also creat the ideal conditions for Sun Microsystems JAVA programing language. Stripping Microsoft of their copyrightsthis would also save the federal government the hassle of monitoring Microsoft's corperate conduct.

I aknowledge that creating such a shift would give Sun Microsystems a monopoly of their own. However I believe the owners of Sun Microsystems would be very carefull about how they conduct bussiness. Microsoft has claimed that anti-trust laws have no place in the computer industry because of the pace of inovation. Microsoft could not be more wrong. The anti-trust laws are not about technology. They are about bussiness ethics and fair play. Protecting consumers and small bussinesses from predatory bussiness practices. Ethics are universal and transend any bussiness including the computer industry.

I have strong objections to the prevailing philosophy in the Federal Court System that companies engaging in anti-competetive behavior should not be punished, only restrained. This philosophy does nothing to right the wrongs of competitors harmed by illegal marketing practices. I would point out that Judge Jackson could have sentenced Bill Gates and Steve Ballmer to three years in a federal prison and confiscated Microsoft. (I understand that had he done so the punishment would have been vacated for being too harsh). Congress intended that anti-competitive behavior be punished as criminal behavior.

As a consumer I would very much like to see Sun Microsystems vision come to pass. ''Write once, run anywhere!''

Microsoft must be forced to pay for the manner in which they undermined competition based on the merits.

I ask that the judge presiding over the punishment phase of this trial see this letter.

Respectfully,

Tommy D. Kuzdas

MTC–00027802

From: Dave Dooling
To: Microsoft ATR
Date: 1/28/02 11:06am
Subject: Not tough enough

Gentlemen:

As a freelance writer I would like to register my string disapproval of the weak remedies proposed in the Microsoft antitrust settlement. Microsoft has behaved like a corporate thug and has even acted as if it was above the law. The supposed side-by-side demonstration of two different operating systems in court—which turned out to have the results altered—should have earned the lawyers time in jail for perjury and contempt. As a science writer, I know that the correct way to run the test would have been with two identical hard drives swapped in and out of the same machine so the test would be a true apples-and-apples comparison. It is an example of how Microsoft does what it wants. The proposed remedies would leave the field open for them to continue taking advantage of the consumer and to prey on other businesses. In particular, the proposal to give away software and old computers means nothing as far as financial penalties go. Microsoft will tout the retail value of packages that actually cost them a small percentage to manufacture. They will then have schools locked into Microsoft software and have to pay dearly for upgrades in the future. The situation is more like a pusher giving a school kid the first fix for free. Microsoft is too big for the national good. They control most of the desktop and are trying to extend their reach into more of business and entertainment. I strongly feel that stronger remedies are required, including splitting the company into three or more separate companies. I further believe that given the reliance of American business on Microsoft products that the U.S. Government should consider regulating Microsoft as a public utility.

Sincerely,

Dave Dooling

Dave Dooling / D2 Science Communications

555 Sparkman Drive, Suite 820C / Huntsville, AL 35816 USA

256–890–0972 (voice & fax)

256–830–5800 (Sharon, my wife and secretary,

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MTC–00027803

From: Rjdar12@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:01am
Subject: Microsoft Settlement

I think the settlement proposed by Microsoft is very generous. The benevolent education of our youth is a good idea. Please let our creative corporations do their job and help America stay number one.

Ralph Darnell

MTC–00027804

From: Dan Jenkins
To: Microsoft ATR
Date: 1/28/02 11:02am
Subject: Remedies for Microsoft antitrust suit

I've been a system administrator, programmer and technical support person for about 25 years. As Microsoft's products and behavior have directly affected me and my clients (and will continue to do so), I must comment on the suit.

In all my years in the industry, I have seen relatively little of the often-claimed innovation of which Microsoft speaks. I have seen competitive companies purchased and put out of business—eliminating competing product lines. I have seen information obfuscated and altered in small, undocumented ways to preclude competition—and to force client's to upgrade to maintain basic compatibility within their own companies. I have seen (and continue to see) severe security flaws.

These flaws have cost my clients and our whole economy enormous amounts to battle.

So, given a history of consistent, persistent abuses, I submit that only pervasive, unarguable remedies will cause Microsoft to alter its behavior.

Microsoft's proposal to provide large amounts of their products for use in the school's merely demonstrated their monopolistic behavior. The school's would have required ongoing support and upgrades—which would have cost more money that poor school's don't have in the first place. By entrenching themselves in the school's, they would have deepened their hold on the mind share of the next generation of computer users, thereby, perpetuating their monopoly. In my opinion, these remedies ought to include (at least) the following items:

- Prohibit bundling contracts whereby the cost of the operating system is included invisibly in the cost of the system. That way, the consumer is aware of what he is paying for, and what alternatives would truly cost.

- Require formats and APIs to be documented. Microsoft uses much that is proprietary in their system, which can then, in turn, lock out competitors from creating competing programs. (The fact that Microsoft has the best-selling operating system with an embedded web browser, and the best-selling office software suite, gives them an almost airtight stranglehold on what is essentially a self-contained system.)

Therefore, I recommend that all proprietary formats, protocols, etc., be opened: the API, itself, file formats for all (non-licensed) applications, communications protocols, and anything else that would hinder competitors from being on a level playing field when writing applications for the Windows platform.

- Separate the application development from the operating system development. Microsoft application developers gain an unfair advantage in internal knowledge of Microsoft operating systems over their competition.

- Require email and web clients be separately installed from the operating

system. Both Internet Explorer and Outlook are installed by default on Windows platforms. Most customers do not even know other alternatives exist. If a new Windows system prompted to install these components and indicated that alternatives exist (such as Netscape, Opera, Eudora, and others), then customers would have the chance to choose alternatives. This would also potentially reduce some of the impact of the security flaws—as most have been due to the email or web browser clients Microsoft provides.